

OFFICIAL REPORT OF PROCEEDINGS  
BEFORE THE  
NATIONAL LABOR RELATIONS BOARD  
REGION 3

In the Matter of:

Starbucks Corporation,	Case Nos.
	03-CA-285671 03-CA-290555,
Employer,	03-CA-291157 03-CA-291196,
	03-CA-291197 03-CA-291199,
and	03-CA-291202 03-CA-291377,
	03-CA-291378 03-CA-291379,
Workers United,	03-CA-291381 03-CA-291386,
	03-CA-291395 03-CA-291399,
Union.	03-CA-291408 03-CA-291412,
	03-CA-291416 03-CA-291418,
	03-CA-291423 03-CA-291431,
	03-CA-291434 03-CA-291725,
	03-CA-292284 03-CA-293362,
	03-CA-293469 03-CA-293489,
	03-CA-293528 03-CA-294336,
	03-CA-293546 03-CA-294341,
	03-CA-294303 03-CA-206200

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**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**  
**REGION 3**

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STARBUCKS CORPORATION,

Employer,

and

WORKERS UNITED,

Union.

Case Nos.

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 03-CA-293546 03-CA-294341,  
 03-CA-294303 03-CA-206200

The above-entitled matter came on for hearing, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at the Robert H. Jackson United States Courthouse U.S. District Court for the Western District of New York, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on **Wednesday, August 24, 2022, 9:01 a.m.**

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Nathan Tarnowski	2218	2231	2241		
Mikaela J. Brisack	2242	2254			
William Westlake	2296	2302			
Alexis Rizzo	2310				
Michelle Eisen	2316	2323	2329	2329	
Kai Hunter	2332	2336			
Angel Krempa	2340	2348			
Kayla Disorbo	2357	2375	2379	2381	

E X H I B I T SEXHIBITIDENTIFIEDIN EVIDENCE**General Counsel:**

GC-161

2230

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P R O C E E D I N G S

JUDGE ROSAS: Next witness?

MS. STANLEY: General Counsel calls Nathan Tarnowski.

Whereupon,

NATHAN TARNOWSKI

having been duly sworn, was called as a witness herein and was examined and testified as follows:

JUDGE ROSAS: All right, have a seat. State and spell your name, and provide us with an address.

THE WITNESS: My name is Nathan Tarnowski. I reside at [REDACTED]

[REDACTED]

DIRECT EXAMINATION

Q BY MS. STANLEY: Can you spell your name, Nathan?

A What's that?

Q Spell your name out.

A N-A-T-H-A-N T-A-R-N-O-W-S-K-I.

Q Okay. Nathan, what are your pronouns?

A He/him.

Q Are you familiar with Starbucks Corporation?

A I am, yes.

Q How are you familiar with Starbucks?

A I worked there.

Q When did you work for Starbucks?

A I worked there since February of 2021 to March of 2022.

Q What location did you work at?



- 1 A East Robinson location.
- 2 Q What was your job position?
- 3 A I was a barista and a barista trainer.
- 4 Q When did you become a barista trainer?
- 5 A I became a barista trainer about three months before I was  
6 fired, around January.
- 7 Q January of 2022?
- 8 A Yeah.
- 9 Q Are you familiar with Workers United?
- 10 A I am, yes.
- 11 Q And are you familiar with the Starbucks Workers United  
12 organizing committee?
- 13 A I am.
- 14 Q How did you become familiar with the organizing committee?
- 15 A I was picking up shifts, and I was scheduled as a barista  
16 at the Walden Galleria kiosk, and that's when I -- I learned  
17 about it, and there was a lot of, like, talk in -- in the  
18 kiosk, and.
- 19 Q When was that?
- 20 A That was in the summer of 2021.
- 21 Q Nathan, can you just move back from the mic just a little  
22 bit?
- 23 A Yeah, no, sorry.
- 24 Q No, you're good; that's fine. Did you support the Union?
- 25 A I did, yes.

1 Q Did you ever show that support publicly at East Robinson?

2 A Yes.

3 Q When did you start publicly showing support for the Union  
4 at East Robinson?

5 A I'd say a little bit after I became a trainer, maybe  
6 around like three months before I was fired.

7 Q And when you began showing that support, what did you do?

8 A I was very vocal. I talked to a lot of partners about the  
9 Union, and we had, like, group conversations about it, and  
10 like, what the Union would do and how it would help. Also, I  
11 wore my Union pin basically every day, and -- yeah.

12 Q When you were a barista trainer, did you ever train any  
13 employees?

14 A I did not.

15 Q Did you ever ask about training employees?

16 A I did, yeah.

17 Q Who did you talk to?

18 A I talked to my manager about it, Keita Clark.

19 Q And what did she say?

20 A She said that there was nobody to train.

21 Q When -- when was this conversation?

22 A I would say it was not long after I became certified,  
23 like, maybe a couple weeks to a month after.

24 Q So what -- what month was that?

25 A I would say around probably February, my -- to the best of





1 my knowledge.

2 Q And at that time, did you ever observe any baristas  
3 training at East Robinson?

4 A I did, yes.

5 Q And who was training them?

6 A Mostly shift supervisors.

7 Q Prior to you starting to show open support for the Union,  
8 how was your relationship at work with your manager, Keita  
9 Clark?

10 A Good. There was a lot going on, you know, you -- we  
11 talked a lot and you know, just -- you know, yeah.

12 Q Did that relationship ever change?

13 A Yeah.

14 Q When?

15 A I would say when I started supporting the Union.

16 Q How did your relationship with Keita Clark change then?

17 A Our communication changed a lot.

18 Q How -- in what way?

19 A Just through, like, store team communication. It just  
20 stopped. She kind of just stopped talking to me all at --  
21 all -- all in general.

22 Q I'm going to direct your attention, Nathan, to March 23rd  
23 of 2022. Did you work on that day?

24 A I did, yes.

25 Q And what happened that -- that day when you got to work?



1 A Well, when I got to work, I wasn't feeling the greatest,  
2 and I went in to work, and I talk -- went to the shift  
3 supervisor and I told her that I wasn't feeling good, and you  
4 know, whenever there was enough people on the floor, just send  
5 me home. And she said absolutely, you know, no problem at all.

6 So I fill out the COVID coach and was good to work, and  
7 that's basically it. About an hour-and-a-half into my shift,  
8 there was enough people on the floor. There were three  
9 managers on the floor, and that's when I went up to the shift  
10 supervisor on duty about -- the same one I checked in with, and  
11 said that if it was okay if I go home; I still wasn't feeling  
12 the greatest.

13 Q And what happened after you said that?

14 A She -- she said oh, okay, you know, but Liz was standing  
15 right there. She was --

16 Q Who's Liz?

17 A She was a manager at Niagara Falls Boulevard location.

18 Q Do you know her -- do you know her last name?

19 A Liz Poole.

20 Q Okay. And what happened when Liz stepped over?

21 A She asked me what my symptoms were, and I said that I was  
22 tired and had a -- had a headache. And she said that she  
23 thought I could stay with those symptoms.

24 Q And what happened next?

25 A She was reading through the COVID coach and like, putting

1 in my tired and like, headache symptoms, and she's like, oh,  
2 yeah, you can stay. These symptoms, like, are nausea,  
3 diarrhea. And I was like, actually I do have diarrhea. And  
4 that's when things changed.

5 Q Well, what did Liz say when you said that?

6 A Like, that I could -- those are, like, more serious  
7 symptoms and more like, you know, serious COVID symptoms.

8 Q And so what happened?

9 A So then after she -- she asked me if I was being serious.  
10 And I said yes. And so she slammed a -- a tablet down on the  
11 table and put in my symptoms to the COVID coach, and then she's  
12 like, okay, I want to talk to you, and you know, clock -- I  
13 clocked out and went home, or clocked out and went to the table  
14 to talk to her.

15 Q And what happened during that conversation?

16 A She basically went over, like, how serious of a situation  
17 it -- it is. She, you know, said I was, like, lying, and you  
18 know, that she recently (b) (6), (b) (7)(C) in her  
19 family, and it was, like, a very serious situation.

20 Q And what did you say?

21 A I said that it wasn't that serious, they weren't, like,  
22 you know, they were ordinary symptoms to me. And that it  
23 wasn't that big of a deal.

24 Q What was the result of that conversation?

25 A I ended up going home.

1 Q And did she say anything else when she sent you home?

2 A No, I'm pretty sure that's it.

3 Q Had you ever worked with the same symptoms that you had  
4 that day?

5 A I have, yes.

6 Q And when you had those symptoms prior, had you told a  
7 supervisor?

8 A Yeah.

9 Q And were you sent home on those occasions?

10 A Yeah, I mean, there are times where I've been sick and you  
11 know, asked to go home, and you know, I have been able to go  
12 home. There -- and there have been times where I haven't been  
13 able to; there wasn't enough people on the floor.

14 Q Have you ever been sent home without asking to be sent  
15 home?

16 MS. POLITO: Objection. Asked and answered.

17 JUDGE ROSAS: Without asking to be sent home. Overruled.

18 A No.

19 Q BY MS. STANLEY: What happened the next day, Nathan?

20 A The next day, I went into my shift like normal. It was a  
21 6 a.m. shift.

22 Q Why did you go to work that day?

23 A I went in -- I'm sorry, one more time?

24 Q Why did you go to work that day?

25 A I -- I didn't see any reason not to go into work. It

1 was -- you know, I was on the schedule, and I was feeling fine.

2 Q And what happened that day?

3 A I -- it was a normal shift. I opened the store, you know,  
4 great shift, great workers. And about, you know, a couple  
5 hours into my shift, it was around 10:00, 10:30, Liz came in --  
6 Liz Poole came in for her shift.

7 Q Okay.

8 A That's when, you know, she came up to me and asked me how  
9 I was feeling, and --

10 Q And what did you say?

11 A I said fine.

12 Q And what happened next?

13 A Then she went away. She was on the phone, covering her  
14 mouth. She was just -- she seemed upset about --

15 Q Well, what happened after she was on the phone?

16 A She came up to me and she asked me what I didn't  
17 understand?

18 Q And what did you say when you -- when she said that?

19 A I -- I didn't -- I said what; I didn't know what to say.  
20 I --

21 Q What did she say?

22 A She said that I shouldn't have been back to work for 24  
23 hours.

24 Q Did you respond to that?

25 A Yeah, I said that I didn't know that; you didn't tell me.

1 Q What happened next?

2 A Then she's like, well, I can't have you work. So she sat  
3 me down -- she sat me down again and told me that -- that you  
4 know, that I wasn't supposed to be back. I said that, you  
5 know, you didn't tell me this, and it was just a disagreement,  
6 you know.

7 Q And what was the result of that conversation?

8 A I ended up going home?

9 Q And what happened after that day?

10 A So after -- the next day I went into work or a few days,  
11 and we ended up having a meeting with me and Keita. I called  
12 Keita after my -- that disagreement because that upset me, and  
13 you know, they sent me home for -- so she said that she would  
14 check in with Liz, and the next day, you know, we'll talk. So  
15 that's what we did. We -- we sat down. I was, like, halfway  
16 through my shift, and just to sit down and review the  
17 situation.

18 Q Where did you guys sit down to have that conversation?

19 A In the lobby.

20 Q And what happened during that conversation?

21 A They -- we basically just went over what happened, and  
22 like, how serious of a situation it was, and I said that you  
23 know, it wasn't -- they weren't serious symptoms, you know --  
24 you know, this is being dragged on too far. And you know, this  
25 is the third day. How do we move past this. I mean, this is

1 getting ridiculous.

2 Q And what did Keita said?

3 A They said that -- well, Keita said that I just got to,  
4 like, put the symptoms in, and you know, I -- I could be fired  
5 for this, and.

6 Q Did you respond to that?

7 A Yeah, I asked them if I was being fired.

8 Q And what did they say?

9 A No. They said I could be, and nothing would be happening,  
10 you know, if things go, we'll move past this.

11 Q Were you disciplined in that meeting?

12 A I was not.

13 Q Did anything else happen in the next few days at work?

14 A Yeah. I ended up having a dress code issue a few days  
15 later with my sneakers.

16 Q Who talked to you about the dress code on that occasion?

17 A Keita Clark did.

18 Q Had anyone talked to you about your sneakers prior to  
19 that?

20 A Yes.

21 Q Who was that?

22 A That was Lilly. She was a shift supervisor from NFB that  
23 was about a week before Keita talked to me.

24 Q What -- and what happened when you talked -- when Lilly  
25 talked to you about your sneakers?

1     A     Lilly came up to me and just said, hey, Nate, just wanted  
2     to let you know, like, these are out of dress code. I was  
3     like, I don't know. Actually, I didn't know. I've been  
4     wearing these since open. And she said oh, no big deal, I'll  
5     write it in the book for you. I'll give you a few weeks to --  
6     to -- or a few paychecks to get -- get a new pair.

7     Q     So when Keita talked to you about your sneakers, what did  
8     she say?

9     A     She -- she -- she said she was going to send me home, and  
10    I, you know, was surprised. I didn't know what to do. I said,  
11    you know, I talked to Lee -- Lilly. And then she opened the  
12    book and started flipping through and looking for, like,  
13    Lilly's note.

14   Q     Did she find it?

15   A     No.

16   Q     So what ended up happening?

17   A     She ended up sending me home.

18   Q     And what did -- what did you do?

19   A     I -- I ended up changing my shoes. She said I can come  
20   back, and we can use this as a lunch break. So that's what I  
21   did. I went home, found a new pair with, like, leather, and  
22   came back to work.

23   Q     Did you work on March 30th, 2022?

24   A     I was supposed to, yes.

25   Q     What happened when you went in that morning?



1     A     I went in, and Keita immediately pulled me in the back and  
2     started talking to -- talked to me and saying that I was being  
3     separated from the company because of the COVID situation.

4     Q     Was anyone else there at the beginning of that  
5     conversation?

6     A     No.

7     Q     What happened in that conversation after she said that you  
8     were being separated?

9     A     Basically I was shocked. We had, you know, our  
10    conversation. Like, I couldn't believe that --

11    Q     Well, what did you say?

12    A     I said -- that's what I said, that I couldn't believe it,  
13    you know, that I'm surprised that she didn't stick up for me.  
14    And this -- you know, we've had a -- a good relationship and it  
15    was professional throughout this whole time. She said that it  
16    wasn't her; it was corporate. And she just said that I -- it  
17    was -- yeah, that was basically it.

18    Q     Did Keita give you anything during this meeting?

19    A     Yes.

20    Q     What did she give you?

21    A     She gave me a notice of separation.

22    Q     Did you sign that notice?

23    A     No.

24    Q     What happened after you said you weren't going to sign it?

25    A     She went and got Liz Poole to sign it.

1 Q Can you look at what's in front of you --

2 A Yeah.

3 Q -- flip that paper over, it's marked GC Exhibit 161 prior.

4 A Yeah.

5 Q Do you recognize this?

6 A I do.

7 Q What is this?

8 A This is my notice of separation that was given to me.

9 Q And is this the same document that -- that you were given  
10 that day?

11 A Yes.

12 Q Did you take this picture?

13 A Yes.

14 Q Did you alter this picture at all?

15 A No.

16 Q Did you send this picture to the Board?

17 A Yes.

18 MS. STANLEY: I move to admit GC Exhibit 161.

19 MS. POLITO: No objection.

20 JUDGE ROSAS: General Counsel's 161 is received.

21 **(General Counsel Exhibit Number 161 Received into Evidence)**

22 MS. STANLEY: I have nothing further for this witness.

23 MR. HAYES: No questions.

24 JUDGE ROSAS: Off the record.

25 (Off the record at 9:15 a.m.)

1 JUDGE ROSAS: Let me know when you're ready.

2 MS. POLITO: Ready, Your Honor.

3 JUDGE ROSAS: Respondent, cross?

4 **CROSS-EXAMINATION**

5 Q BY MS. POLITO: Good morning, Mr. Tarnowski.

6 A Good morning.

7 Q You started working for Starbucks in January of 2021; is  
8 that correct?

9 A Yeah, it was January to February, yes.

10 Q And you started showing support for the Union in January  
11 of 2022; is that correct?

12 A Yes.

13 Q And did you work at the East Robin store -- Robinson store  
14 the entire time?

15 A No.

16 Q Where did you start?

17 A Well, I started at Transit Maple for my training. And I  
18 went to the East Robinson location, and then halfway through, I  
19 was at -- in the summertime, like I said, I worked at the  
20 kiosk, and I had --

21 Q Back up a little bit.

22 A Sorry, sorry. And I worked in the kiosk, and they were  
23 scheduling me as a barista there.

24 Q At the kiosk?

25 A Yes.



1 Q For how many months did you work at the kiosk?

2 A I think it was just under one. It wasn't a -- wasn't,  
3 like, too long of a period.

4 Q And then you returned to East Robinson and worked there  
5 for a regular basis?

6 A Yeah.

7 Q And would -- would that have been sometime in July or  
8 August of 2021?

9 A Yeah.

10 Q And you stayed at the East Robinson store until you were  
11 terminated in March of 2022; is that correct?

12 A Yeah, I'd pick up shifts here and there, but mostly yes.

13 Q How many hours a week did you work in the East Robinson  
14 store?

15 A About 30 hours, usually a little bit under.

16 Q And prior to January 2022, it's your testimony that you  
17 showed no support for the Union?

18 A No, there were partners that knew that I was in support of  
19 the Union, but publicly, like, with my pin and like, with,  
20 like, managers and, like, shift supervisors and stuff, they  
21 really -- like, I wasn't too open about it. I did keep it on  
22 the downlow. Ever since the Union started, I was, like, in  
23 support of it, but yeah.

24 Q And when you say publicly, you mean you didn't start  
25 wearing the pin until January of 2022; is that correct?



1 A Yes, ma'am.

2 Q So isn't it true that Keita Clark, your manager, was aware  
3 prior to January 2022 that you supported the Union?

4 A I just --

5 MS. STANLEY: Objection. Calls for speculation.

6 JUDGE ROSAS: Sustained.

7 Q BY MS. POLITO: Are you aware that Ms. Clark knew that you  
8 were a Union supporter prior to January of 2022?

9 A To my knowledge, no.

10 Q You never had a conversation about the Union in front of  
11 her prior to January of 2022?

12 A We -- I -- we had, like, group meetings, but nothing with  
13 her, no.

14 Q Who were your group meetings with?

15 A It was, like, Keita, there -- Rossann popped in on some of  
16 them. Just like visitors of, like, you know, the Starbucks  
17 corporate for -- from like -- there was a -- a guy from  
18 California as well. I can't recall his name. And there was  
19 just like multiple, like, bigger people.

20 Q So let me just be clear. In December of 2021, Ms. Clark  
21 was your manager at the East Robinson store, correct?

22 A Yes.

23 Q And isn't it true that you know that Ms. Clark was aware  
24 that you were a Union supporter in December of 2021?

25 A I did not know.

1 Q Isn't it true that you voiced Union support in December of  
2 2021 at the East Robinson store?

3 A No.

4 Q You didn't talk to any of your colleagues in December of  
5 2021 at the East Robinson store, reflecting your support of the  
6 Union?

7 A I did in the summer of 2021, yes.

8 Q In the summer of 2021, and that continued through December  
9 of 2021, correct?

10 A Yes.

11 Q You became a barista trainer in January of 2022?

12 A Yes.

13 Q And Ms. Clark had to approve you becoming a barista  
14 trainer, correct?

15 A Yes, ma'am.

16 Q And you told us earlier that even though you became a  
17 barista trainer, you weren't assigned anyone to train; is that  
18 correct?

19 A Yeah.

20 Q The shift supervisors in your store were assigned the  
21 baristas to train?

22 A Yeah. I mean, there were also barista trainers training,  
23 like, prior. There was -- I think we only had, like, one at  
24 our store or two, because we just became a training store, so  
25 she wanted more, like, trainees, barista trainers. So I did

1     see, like -- like, I remember a day, like, there was a barista  
2     trainer training, and she -- we would, like, do partners at our  
3     store. So like, people would just be, like, assigned a  
4     partner, and even if, like, they didn't want to, they would  
5     just be assigned, like, a partner. They weren't -- they  
6     wouldn't be like a certified barista trainer or anything, just  
7     like a buddy.

8     Q     So there were reasons why you were not assigned to be a  
9     barista trainer after you got the position in January of 2022,  
10    correct?

11   A     No.

12   Q     You just described the scenario where the baristas came in  
13   and were trained by shift supervisors; is that correct?

14   A     Yeah. Oh, sorry. Maybe I just misunderstood the  
15   question.

16   Q     Let's turn to your situation on March 23rd, when you  
17   showed up for work --

18   A     Yeah.

19   Q     -- with COVID symptoms. You're aware that the company had  
20   a COVID coach, right?

21   A     I did, yes.

22   Q     And when you showed up to work, you were required to go  
23   onto the iPad and answer several questions to see if you were  
24   able to work for the day, correct?

25   A     Yes.

1 Q And that had -- that had been a practice in place since at  
2 least January of 2022, correct?

3 A Yeah.

4 Q So every time you went into work, from January through  
5 March of 2022, you had to enter your systems into the -- your  
6 symptoms into the iPad to see if you were able to stay at work,  
7 correct?

8 A Yeah.

9 Q And on March 23rd, 2022, when you did the COVID check-in,  
10 you did not indicate that you had diarrhea; is that correct?

11 A I did -- yeah -- yeah, I did not. Yes -- yeah, that is  
12 correct.

13 Q And shortly after working that day, you told your  
14 colleague that you weren't feeling well; is that correct?

15 A Yes. I -- I -- actually no. I said -- I told my shift --  
16 shift supervisor when I first came in in the morning that I  
17 wasn't feeling well. So the only per -- people that I was  
18 talking -- was Beth in that situation. And that was right when  
19 I walked in the door, before we even clocked in.

20 Q So when you showed up to work on March 23rd, you were  
21 already not feeling well; is that your testimony?

22 A Yes.

23 Q And yet, when you filled out the COVID coach, you failed  
24 to properly identify all of your symptoms; is that correct?

25 A I did -- yes.



1 Q And then you still continued to work --

2 A Yeah.

3 Q -- even with symptoms of COVID, correct?

4 A The --

5 Q Yes?

6 A Yes, yep.

7 MS. STANLEY: Can you let him answer?

8 Q BY MS. POLITO: When you spoke with Beth, the shift  
9 supervisor, and told her that you weren't feeling well, that  
10 you would like to leave early; is that correct?

11 A Yes.

12 Q And then after that is when Ms. Poole talked to you about  
13 your COVID symptoms; is that correct?

14 A Yes.

15 Q And that's when you admitted to her that you had diarrhea,  
16 which is one of the symptoms of COVID, correct?

17 A Yes.

18 Q And you were sent home for the day?

19 A Yes.

20 Q And you -- in fact, you had asked earlier to be sent home  
21 for the day?

22 A I did, yes.

23 Q Was it that conversation that Ms. Poole told you that she

24 (b) (6), (b) (7)(C) ?

25 A Yeah, it was in that conversation, yeah.

1 Q And were you laughing during that conversation about your  
2 COVID symptoms?

3 A Yes.

4 Q You thought it was funny that you had COVID symptoms while  
5 you were talking to a manager who had expressed to you that she  
6 (b) (6), (b) (7)(C) ?

7 A I wasn't obviously laughing at the -- the family member  
8 situation. I was kind of laughing at -- I -- well, I was  
9 laughing at how far the situation she was dragging it because  
10 they were ordinary symptoms.

11 Q You -- you thought it was amusing that you could have  
12 COVID and be exposing your fellow partners to COVID?

13 A I -- I -- they were normal symptoms to me, ma'am.

14 Q But again, they were --

15 A That's -- that's why I didn't put them in the COVID coach.

16 Q They were normal symptoms to you, according to your  
17 testimony, but you lied when you responded to the COVID coach  
18 questions?

19 A I didn't lie.

20 Q You did lie because you had diarrhea and you answered no  
21 in the COVID coach.

22 MS. STANLEY: Objection. That's not a question.

23 JUDGE ROSAS: Overruled. I think you answered that, you  
24 said no?

25 THE WITNESS: In the COVID coach, it's --

1 Q BY MS. POLITO: It's -- I -- I'm not asking you to  
2 explain. If you want to change your testimony from earlier, a  
3 few minutes ago, we can go through it again. So let's go  
4 through it again.

5 JUDGE ROSAS: Just ask the question, Counsel. Let's  
6 not -- let's not --

7 MS. POLITO: Yep. I'm going to -- let's -- let's back up.

8 Q BY MS. POLITO: When you filled out the COVID coach, you  
9 said no to the question as to whether or not you had diarrhea,  
10 correct? Yes or no?

11 A No.

12 Q So the next day, on March 24th, you decided to return to  
13 work; is that correct?

14 A Yes.

15 Q Did you fill out the COVID coach that day?

16 A I did, yes.

17 Q And did you indicate whether or not you had any symptoms?

18 A I didn't have any symptoms.

19 Q And you denied being told that you should've stayed home  
20 for 24 hours, after being sent home on the 23rd?

21 A I wasn't told to stay home for 24 hours.

22 Q And were you aware that COVID coach indicated that you  
23 should've stayed home for 24 hours?

24 A I did not, no.

25 Q Your testimony is that no one told you you should stay

1 home for 24 hours, after being --

2 A That's correct.

3 Q -- sent home for being ill; is that correct?

4 A That's correct.

5 Q At any point in time, when you had filled out the COVID  
6 coach in the past, do you recall seeing on the iPad a notation  
7 that if you have symptoms, you need to quarantine for 24 hours  
8 before returning to work?

9 A I don't, no.

10 Q Do you know that when you fill out the COVID coach  
11 screening form, it asks you if you had symptoms within the past  
12 24 hours; does that sound familiar to you?

13 A Yeah, I mean, I -- I think it -- it did ask, like, if I  
14 had any symptoms out of the ordinary or unusual.

15 Q And so on the 23rd, you had symptoms of COVID, and then  
16 when you come in on the 24th, which is within 24 hours, you  
17 still had symptoms from the day before?

18 A I didn't have symptoms on the 24th.

19 Q But you had them on the 23rd, correct?

20 A I did have them on the 23rd, yes.

21 Q And you were told to go home that day, correct, the 24th?

22 A Yes.

23 Q During the conversation with Ms. Poole, isn't it true that  
24 Ms. Clark told you that you needed to show Ms. Poole some level  
25 of respect when talking about the COVID issue; is that correct?

1 A Yes, actually.

2 MS. POLITO: Nothing further, Judge.

3 JUDGE ROSAS: Redirect?

4 **REDIRECT EXAMINATION**

5 Q BY MS. STANLEY: Nathan, on March 23rd, what symptoms did  
6 you put in the COVID coach?

7 A None.

8 Q Why not?

9 A Because the COVID coach said that anything out of the  
10 ord -- ordinary or unusual, so I didn't put them in. They were  
11 very ordinary symptoms to me.

12 Q Had you ever worked when you displayed those symptoms  
13 before?

14 A I have, yes.

15 Q Had you ever made any manager aware of that?

16 A I have, yes.

17 Q And did they send you home without you asking to go?

18 A No.

19 MS. STANLEY: Nothing further.

20 MR. HAYES: No questions.

21 JUDGE ROSAS: Any follow-up?

22 MS. POLITO: No questions, Judge.

23 JUDGE ROSAS: All right, sir. Your testimony is  
24 concluded. Do not discuss your testimony with anyone until  
25 you're advised by counsel that the record in the case is

1 closed, all right?

2 THE WITNESS: Okay.

3 JUDGE ROSAS: Have a good day.

4 THE WITNESS: Thank you, guys.

5 JUDGE ROSAS: Off the record.

6 (Off the record at 9:41 a.m.)

7 JUDGE ROSAS: Counsel, next witness?

8 MS. STANLEY: General Counsel calls Jazlyn Brisack. And  
9 this is strictly just and proper, Your Honor.

10 JUDGE ROSAS: She's testified before?

11 MS. STANLEY: Yes.

12 JUDGE ROSAS: Okay, on the record.

13 MS. POLITO: Please note our objection on the record to  
14 this line of questioning.

15 JUDGE ROSAS: What is this line of questioning?

16 MS. STANLEY: It's all just and proper.

17 MS. POLITO: It's all just and proper, Judge.

18 JUDGE ROSAS: Oh, you did say that. Okay.

19 I'll remind you you're still under oath.

20 Whereupon,

21 **MIKAELA J. BRISACK**

22 having been previously sworn, was called as a witness herein  
23 and was examined and testified as follows:

24 **DIRECT EXAMINATION**

25 Q BY MS. STANLEY: Hi, Jaz.



1 A Hello.

2 Q Jaz, what, if any, impact did Starbucks' response to the  
3 Union campaign have on organizing efforts at your store at  
4 Elmwood?

5 MS. POLITO: Objection.

6 Q BY MS. STANLEY: Go ahead.

7 A It made it much harder for us to be able to organize. We  
8 were -- we went from being able to have organizing  
9 conversations right away and at work, where people were signing  
10 Union cards when it was slow, to not being able to discuss the  
11 Union at all at work. We had support managers in our store  
12 constantly over our shoulder.

13 Q Can you back up for me, like, just --

14 A Sorry.

15 Q -- thanks. They're a little big today.

16 A Sorry. We had support managers over our shoulder  
17 constantly, which meant that we couldn't have conversations  
18 without interruption and without being overheard. It meant  
19 that people, you know, were too scared to show their support or  
20 in some cases, were supportive and then beca -- stopped being  
21 supportive as a result.

22 Q Can you give me specific examples of people who stopped  
23 being supportive?

24 A Yes. So one of the earlier conversations that I had right  
25 before we were going public was with Tati Staniszewski; I'm not



1 100 percent sure of the pronunciation of her last name. She  
2 signed a Union card and was a Union supporter prior to the  
3 anti-union campaign beginning, and before we went public. And  
4 then she ended up, you know, speaking constantly with the  
5 support manager. She told me that she had bonded with Dustin  
6 in particular, and that she no longer supported the Union, and  
7 that she was worried about doing so. I had a conversation with  
8 Janae, another who was hired in October, as well as the new  
9 hires. And she told me that she heard what I was doing about  
10 the Union, and that she had been talking to Michaela, the --  
11 who was then the support district manager. And that she -- you  
12 know, Michaela had said that unionizing would be very bad for  
13 her and might prevent her being able to transfer back to New  
14 York City, where she was from. So she didn't think she could  
15 support it.

16 I've also had conversations with other partners, including  
17 Angela Dudzic, who was supportive, but told me that she wanted  
18 to keep it on the DL, which means on the downlow -- like, under  
19 wraps -- because she was afraid that -- you know, she  
20 wouldn't -- she would get her hours cut, as well, if she was  
21 supportive, because she was seeing pro-Union partners having  
22 their hours cut. And the managers' constant presence, you  
23 know, meant that she was scared to wear a pin.

24 The same thing was true of Cassie Fleischer, who became  
25 pro-Union in November, right when the ballots were about to go



1 out, and was too scared to wear a pin or, you know, tell anyone  
2 besides the Union leaders at the store that she was pro-Union,  
3 because she was afraid that she would be fired. And we see  
4 what happened.

5 And then there was (b) (6), (b) (7)(C)  
6 partner who was on our organizing committee early on, (b) (6), (b) (7)(C)  
7 . And then after the  
8 support managers, including Gavin -- with whom (b) (6), (b) (7)(C) told me (b) (6), (b) (7)(C)  
9 had, you know, become close -- started getting in (b) (6), (b) (7)(C) ears, (b) (6), (b) (7)(C)  
10 was told that (b) (6), (b) (7)(C) would not be able to transfer to (b) (6), (b) (7)(C)  
11 if our store -- if our store unionized.

12 Q How do you know (b) (6), (b) (7)(C) was told that?

13 A (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) was told that.

14 Q What else did (b) (6), (b) (7)(C) tell you?

15 A (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) also had to keep (b) (6), (b) (7)(C) support quiet  
16 because (b) (6), (b) (7)(C) couldn't afford to, you know, be perceived as a  
17 Union leader or -- you know, (b) (6), (b) (7)(C) just needed to be able to keep  
18 (b) (6), (b) (7)(C) job, make money, and be able to transfer when (b) (6), (b) (7)(C) went to  
19 college. So that (b) (6), (b) (7)(C) couldn't be a public supporter.

20 Q Who else -- did anyone else talk to you?

21 A There were others. Those were the most notable ones.  
22 There were some other conversations which were similar, but I  
23 remember a little bit less distinctly.

24 Q Did you talk to anyone at Elmwood who didn't want to sign  
25 a card?

1 A Yes.

2 Q Who did you talk to?

3 A August Code, who was also a newer hire.

4 Q And what did they tell you?

5 A They told me that, you know, they'd been hearing from  
6 corporate, and that, you know, they were really scared of what  
7 unionizing could mean for Elmwood if we did it. So they --  
8 they would not sign a card.

9 Q Did they tell you what they meant by what unionizing could  
10 mean?

11 A Basically, that there could be negative repercussions.

12 Q And when was that conversation?

13 A I believe it was late October. It might have been  
14 November. I'm sorry.

15 Q How, if at all, did the presence of support managers  
16 impact organizing at your store?

17 A It completely changed the feel and the tone and what we  
18 were able to do at work. Normally, you know, we had one  
19 manager, and she would work on the days that she did work from  
20 about 7 to 3. And suddenly, we had, you know, a bunch of  
21 managers in our store. Five of them there around the clock,  
22 and other ones popping in. And they show up, like -- they  
23 weren't usually on the schedule. They would just come in.

24 I had one -- only one shift which did not have a support  
25 manager present, and I remember that because it was such a

1 different mood in the store when we didn't have one, because we  
2 could actually talk to each other without that fear. So it  
3 meant that we couldn't have organizing conversations. If we  
4 would try to go in the back room and start talking, soon, Sarah  
5 or Dustin would pop in and, you know, interrupt our  
6 conversations. That happened on multiple occasions.

7 Q Who were Sarah and Dustin?

8 A Two of the support managers.

9 Q Did any aspects of Starbucks' response to the campaign  
10 impact organizing throughout Buffalo?

11 A Yes.

12 Q What specifically had an impact, and how do you know that?

13 MS. POLITO: Objection.

14 A It went that we wouldn't, you know, go into the other  
15 stores and have the same kinds of conversations. I went into  
16 the Delaware and Kenmore store, for example, which was just one  
17 of the middle stores that had constant managerial presence.  
18 And one of the workers there told me that she couldn't speak to  
19 me because there were so many managers present, and, you know,  
20 she was afraid of talking about the Union in front of them.

21 That was a constant factor at all of the stores. You  
22 know, from Delaware and Chippewa to -- most of them that had a  
23 con -- all of them, I guess, had a constant managerial  
24 presence.

25 There were also, you know, constant anti-union meetings,

1     which meant that everyone was being -- given the same anti-  
2     union talking points and messaging in those presentations.  
3     Partners would tell me, you know, about the anxiety that they  
4     were experiencing. It basically meant, you know, everybody was  
5     being pushed to the limit, had less energy, because they  
6     were -- it felt like such a -- conflict and so intense and so  
7     anxiety-inducing to go to work, but they didn't have the same  
8     ability to, you know, come to Union meetings and give of  
9     themselves in other ways because they were so exhausted by the  
10    anti-union campaign.

11           Starbucks also, early on, closed the Galleria store in the  
12    mall, which, you know, scared partners across the city that the  
13    same thing would happen.

14    Q     BY MS. CACACCIO: How do you know that it scared partners  
15    across the city?

16    A     Because I was, you know, in the office when we were  
17    talking about this, and I spoke with many partners across the  
18    city who were worried about what could happen. The partners  
19    from the Galleria, you know, we were now working at other  
20    stores, and those partners were concerned about, you know, what  
21    could happen to them.

22           The Galleria was one of the stores that, you know, had  
23    very vocal leaders and was one of the first ones that we could  
24    have filed, that had reached that margin. And other stores  
25    were -- other partners were -- told me that they were worried

1     that the same thing could happen to them.

2             And then a week later, there was the closing of Walden and  
3     Anderson for it to become a training store. And that was even  
4     more concerning, if only because we had been coded in the  
5     system, according to one of my coworkers, as a training store.  
6     Which is why we had the back room in the first place, because  
7     our store was supposed to be a place for training new partners  
8     and new store managers.

9             So you know, the same concern existed about, you know,  
10    could we be turned into a training store if we unionized.

11   Q     Do you have that concern?

12   A     I didn't know what Starbucks was going to do. So I mean,  
13   my job was kind of try to say, you know, that wouldn't be  
14   possible. It might get them -- you know, they shouldn't be  
15   doing that. But I mean, I was concerned because I don't know  
16   what Starbucks is actually capable of doing.

17   Q     Did other partners at Elmwood express that --

18   A     Yes.

19   Q     -- concern to you? Is there anything else?

20   A     Well, there were a lot of other things, including our  
21   hours began to be cut, and partners were very concerned, you  
22   know, that they wouldn't be able to afford to work at  
23   Starbucks. Many people were either forced out because they  
24   couldn't.

25   Q     How do you know that people were concerned they wouldn't

1 be able to work at Starbucks?

2 A Because they've told me that.

3 Q Go on.

4 A I was going to say -- sorry. At the same time that they  
5 were, you know, prohibiting Cassie and other partners from  
6 having limited availability, you know, they started cutting  
7 hours systemically. And you know, partners at Elmwood and  
8 across the city were telling me that they couldn't afford to  
9 make ends meet on the kind of hours that they were getting.

10 Q Can you think of anything else Starbucks did that had an  
11 impact on the campaign in Buffalo?

12 A There were so many things. I'm sorry. I'm trying to -- I  
13 mean, they were sending letters and texts and emails  
14 constantly. And you know, as recently as -- like, from the --  
15 from the October hirings until recently, we had no new hires at  
16 Elmwood. So basically, they were, you know, trying to -- they  
17 were refusing to hire any new partners, which meant that the  
18 partners that we did have were overextended, and we were  
19 constantly understaffed.

20 So it was basically the transforming of our stores into  
21 these stressful and intense environments where we were  
22 constantly short-staffed, constantly pushed beyond our limits.  
23 And that was a complete departure from what had -- it had been  
24 like prior.

25 Q When was your store -- when did you store vote?

1 A My store's vote count was December 9th.

2 Q Did anything happen after that that -- that had an impact?

3 A There were -- so we went on strike over COVID safety in  
4 January, and Union partners who had afraid to be public  
5 beforehand were leaders in that strike, including Cassie  
6 Fleischer and Kellen Montanye. Kellen was subsequently denied  
7 his availability change when he went back to school and was  
8 forced to quit, because Starbucks wouldn't accommodate the  
9 availability changes that they had previously accommodated for  
10 him.

11 And Cassie, whose hours were cut, as well, and then had to  
12 get a second job, and her availability change was not approved,  
13 and she was fired. And both of those firings had a huge impact  
14 on our store and other stores.

15 Q How do you know that they had an impact?

16 A From talking --

17 MS. POLITO: Objection.

18 A -- with other partners.

19 Q BY MS. CACACCIO: What did part -- what did partners tell  
20 you?

21 A That they were afraid that the same thing could happen to  
22 them. Partners told me that, you know, they couldn't afford to  
23 lose their job. Other partners at other stores, you know,  
24 asked me if they were going to be next. And some of them were  
25 subsequently fired.

1 Q Who was next?

2 A Vic Conklin and Angela and a few other partners had asked  
3 me before they were fired if I thought they would be.

4 Q Did anything other than the -- the terminations of Cassie  
5 and Kellen leaving the company have an impact?

6 A Yes. There were, you know, constant stricter enforcements  
7 of rules that had never been enforced before, which was also,  
8 you know, increasing the stress of working at Starbucks. We  
9 had partners who were being dress coded for things that had  
10 never been enforced before, like the color of their jeans or  
11 the number of pins that they were wearing.

12 Angela, who had worn a strawberry pin and a Cookie Mon pin  
13 for years at the company and had worn them every day as long as  
14 I have worked in the store alongside her, had to take off the  
15 strawberry pin, because she was worried that she would get  
16 fired if she didn't.

17 Other partners, including Bridget (phonetic), a shift  
18 supervisor, got sent home on pride day for wearing shorts that  
19 our manager said were too short, even though they were within  
20 the dress code parameters. You know, they started policing  
21 what colored pens people were writing with, et cetera.

22 Q Did anyone besides Cassie and -- besides Cassie get fired?

23 A Yes, Josh Mendez got fired.

24 Q Across the city.

25 A Sorry.



1 Q Yeah.

2 A Yes. Many partners were fired. That included Minwoo Park  
3 and Angel Krempa at Depew. That included Nathan Tarnowski, and  
4 then subsequently Victoria Conklin at East Robinson. That  
5 included Danny Rojas at Sheridan and Bailey. I'm trying to  
6 make sure I'm not leaving anybody out because there have been a  
7 lot of firings.

8 Q Did anyone -- did any partners talk to you about the  
9 termination of Angel Krempa?

10 A Yes.

11 Q What did they say?

12 A People were terrified, because, you know, people --  
13 especially openers, especially people who are working, you  
14 know, open to mid to close, and then having to go back and do  
15 that cycle again -- have had issues with car trouble or with  
16 being late. So people were terrified that was going to happen.  
17 I had conversations with other partners, including Vic, who  
18 were like, you know, is this going to happen to me?

19 And that, you know, happened at Elmwood. That happened at  
20 many stores. People were extremely concerned. And in other  
21 parts of the country, as well.

22 Q Do you interact with partners from other parts of the  
23 country?

24 A Yes.

25 Q About what?



1 A About organizing their stores and, you know, check-in  
2 calls to see how things are going.

3 Q And how, if at all, has Starbucks' response to the Buffalo  
4 campaign affected campaigns in other parts of the country?

5 MS. POLITO: Objection.

6 A It's terrified people.

7 Q BY MS. CACACCIO: How do you know that?

8 A Because they've told me that they're scared to start  
9 organizing. They're scared to be public. They're scared to be  
10 leaders of the organizing committee. And for people who are --  
11 like, who have been leaders of the organizing committee,  
12 they've wondered, you know, is this what Starbucks is planning  
13 for them?

14 So I was talking to Maggie at Knoxville after some of the  
15 Buffalo partners began to be fired, and she was like, is  
16 this -- is this what they're going to do to me now? Partners  
17 in -- with Mississippi and in Albany have expressed the same  
18 concerns. And in other parts of the country, as well.

19 MS. STANLEY: I have nothing further.

20 JUDGE ROSAS: Respondent?

21 MS. POLITO: Does --

22 MR. HAYES: No questions.

23 **CROSS-EXAMINATION**

24 Q BY MS. POLITO: Ms. Brisack? Morning.

25 A Hello.



1 Q Isn't it true that you organized SPoT Coffee?

2 MS. STANLEY: Objection, beyond the scope.

3 Q BY MS. POLITO: You can answer all of my questions,  
4 regardless of what Counsel says, just so we're clear, okay?

5 MS. STANLEY: Yep. I told her that in advance.

6 A I helped organize SPoT Coffee.

7 Q BY MS. POLITO: Yeah. And when did you do that?

8 A 2019.

9 Q Didn't you also try to organize a Nissan factory through  
10 United Workers in 2017?

11 MR. HAYES: Objection, relevance.

12 JUDGE ROSAS: You can answer.

13 A I was an intern on that campaign.

14 Q BY MS. POLITO: You were an intern with Richard Bensinger  
15 on that campaign?

16 A With United Auto Workers on that campaign.

17 Q And Mr. Bensinger was part of that campaign, as well?

18 A Correct.

19 Q Was he also part of the SPoT Coffee campaign?

20 A Correct.

21 Q And you got a job at Starbucks specifically to organize  
22 them, correct?

23 MR. HAYES: Objection, relevance.

24 A That's not completely correct.

25 Q BY MS. POLITO: What's -- what's -- what portion of that

1 is incorrect?

2 A I wanted to work in the industry that I was organizing. I  
3 did not think that me getting a job at Starbucks would  
4 automatically organize it.

5 Q But you got a job at Starbucks for the purpose of  
6 organizing it, correct? Just like you had done at SPoT Coffee.

7 A I never worked at SPoT Coffee.

8 Q But you organized at SPoT Coffee.

9 A That's correct. But I did not get a job at Starbucks with  
10 that explicit --

11 Q So as a --

12 A -- pretense.

13 Q -- Rhodes Scholar, you just wanted to work as a barista at  
14 Starbucks?

15 MR. HAYES: Objection, argumentative.

16 A I believe in working in the industry that I'm organizing.

17 Q BY MS. POLITO: Right. That's why you got a job at  
18 Starbucks. Thank you.

19 MS. STANLEY: Was that a question?

20 MS. POLITO: It doesn't matter.

21 MS. STANLEY: It does, but okay.

22 Q BY MS. POLITO: Who did you bring to work with you to work  
23 at Starbucks in 2021?

24 MR. HAYES: Objection, relevance, beyond the scope.

25 A I did not.

1 Q BY MS. POLITO: Who did you ask to get a job at Starbucks  
2 to help you -- your Union -- Union organizing efforts?

3 MR. HAYES: Same objections.

4 A There were other people who had similar values --

5 Q BY MS. POLITO: Okay, who did you --

6 A -- who were working at Starbucks.

7 Q Who did you ask to get a job at Starbucks to help with  
8 your Union organizing efforts?

9 MR. HAYES: Same objections.

10 A I was -- I did not specifically ask.

11 Q BY MS. POLITO: So your testimony is you've never asked  
12 any of your friends to get a job at Starbucks to help organize?

13 A I said that I was working at Starbucks, and that people  
14 could also work at Starbucks.

15 Q And who did you tell that to?

16 A To other baristas that I was aware of.

17 Q Who? Give me their names, please. You have to answer my  
18 questions, and you can't keep looking at Counsel.

19 A I talked to Will and to a couple of other people.

20 Q Will Westlake?

21 A Yes.

22 Q And who were the other people that you spoke with?

23 A I had a conversation with Casey before she was hired.

24 Q Casey Moore?

25 A Yes.

1 Q Who else, besides Will Westlake and Casey Moore did you  
2 talk to before they got hired at Starbucks?

3 MR. HAYES: Same objections. I'm also objecting to  
4 Counsel interrogating the witness about Section 7 activity.

5 A I also --

6 Q BY MS. POLITO: You can answer.

7 A -- talked to Brian Murray.

8 Q Who else?

9 A I do not remember talking to anybody else.

10 Q So you spoke with Will Westlake, Casey Moore, and Brian  
11 Murray before they got hired at Starbucks about your Union  
12 interests in Starbucks, correct?

13 A I had conversations with them before they were hired.

14 Q What about Colin Cochran?

15 MR. HAYES: Same objections.

16 A I had attended a training with Colin, so I was in contact  
17 with Colin.

18 Q Before he got a job at Starbucks?

19 A I've been in touch with Colin since far -- long before.

20 Q Well before he got a job at Starbucks?

21 A Right, but not about Starbucks, specifically.

22 Q You told us that the support store managers in the Elmwood  
23 store slowed down the ability to talk about the Union during  
24 working hours; is that correct?

25 A That is correct.

1 Q Are you aware that -- of Starbucks' anti-solicitation  
2 policy?

3 A I am not.

4 Q Are you aware that you have no right to talk about Union  
5 activities during work hours?

6 A That is incorrect.

7 Q So your understanding is that you're allowed to talk about  
8 Union activities during work hours?

9 A That's correct.

10 Q Prior to the store's support managers arriving at the  
11 Elmwood store, how did you communicate about Union activities?

12 MR. HAYES: Objection, relevance.

13 A We communicated in multiple ways, including at work.

14 Q BY MS. POLITO: What were the multiple ways that you  
15 communicated about Union activities prior to support store  
16 managers arriving at the Elmwood store?

17 A Prior to the campaign going public, the -- we would meet,  
18 usually off at other places, and have face-to-face  
19 conversations. After the -- we went public, we would talk on  
20 the floor at work when there was only -- when there were no  
21 other managers around or, you know, only one manager in a  
22 different part of the store.

23 Q So prior to the Dear Kevin letter, is that when you --  
24 the --

25 MS. POLITO: Strike that.

1 Q BY MS. POLITO: You mentioned that the organizing  
2 activities went public. Is that the date that the Dear Kevin  
3 letter went out?

4 A That's correct.

5 Q August 23rd?

6 A Correct.

7 Q So prior to August 23rd, what were the multiple ways that  
8 you communicated with partners about Union activity, other than  
9 the meeting off in other places?

10 A Sometimes, I'd text to set up a meeting.

11 Q And how did you get the text numbers of the partners to  
12 communicate with them?

13 A We usually have each other's phone numbers, because we  
14 work together and, you know, text each other on other matters.

15 Q And was this just the Elmwood store, or was this all the  
16 stores across the Buffalo market?

17 A It was a mixture.

18 Q And at the time, in August of 2021, there were about 20  
19 stores in the Buffalo market. Is that right?

20 A Yes.

21 Q Do you know that there were about 600 or so partners  
22 employed in the Buffalo market during that time?

23 A I believe it was fewer.

24 Q What number do you believe there were for partners in the  
25 Buffalo market in August of 2021?



- 1 A My guess is closer to 400.
- 2 Q And how -- how do you make that guess? Based on what?
- 3 A Based on having worked in half of the stores in the
- 4 Buffalo market.
- 5 Q And about how many partners were in each store?
- 6 A My guess would be between 25 and 30.
- 7 Q So prior to the Union campaign going public on August
- 8 23rd, you told me there were multiple ways of communicating
- 9 regarding Union activities, one of which was to meet off-
- 10 campus -- or off-site in other places. And the other was
- 11 through text messages.
- 12 A Correct.
- 13 Q Any other ways?
- 14 A There were a couple of people who I communicated with via
- 15 GroupMe.
- 16 Q And was there a name for that GroupMe?
- 17 MR. HAYES: Objection, relevance.
- 18 A I was direct messaging people on GroupMe.
- 19 Q BY MS. POLITO: Was there ever a group chat created
- 20 through GroupMe for Union activity?
- 21 A There were many.
- 22 Q Do you recall the names of any of those?
- 23 A There were organizing committee chats, both for the
- 24 Buffalo group and then for individual stores.
- 25 Q And did those continue post-August 23rd, 2021?

1     A     They did.

2     Q     How long --

3     A     They were --

4     Q     Go ahead.

5     A     They didn't exist prior to that.

6     Q     Okay. So I -- I was asking you -- prior to August 23rd,

7     2021, before the Union became public, you told me there were

8     text messages and meeting and the GroupMe chats.

9     A     They were --

10    Q     Were the GroupMe chats --

11    A     -- GroupMe direct messages. The chats came later.

12    Q     Got you. So after August 23rd, 2021, the way -- one of

13    the ways in communicating with partners about Union activity

14    were through GroupMe chats?

15    A     That was a way, correct.

16    Q     And you said some of those chats were by store and some

17    were -- some were by market?

18    A     Correct.

19    Q     And do you know -- recall the names of any of those chats?

20    A     There was the organizing committee one, and there

21    individual store ones.

22    Q     Were -- were you keeping track of the partners in each

23    store that were demonstrating Union support?

24    A     I personally knew where people were at Elmwood. Other

25    store committees, you know, may have had their own systems.

1 Q And what -- were the meetings that you talked about being  
2 held at the Union offices once a week?

3 A We did meet, I believe, in the beginning, about once a  
4 week.

5 Q And during those meetings, partners' names who were  
6 supportive of the Union were placed on a white board or some  
7 other board at the Union office; is that correct?

8 A We would sometimes make charts to see where stores were  
9 at.

10 Q And those charts would identify the partners that you  
11 believe were in support of the Union; is that correct?

12 MR. HAYES: I'm objecting to this whole line of  
13 questioning. It's not relevant.

14 A Not me, personally. The committees in each store.

15 Q BY MS. POLITO: And did that continue throughout the  
16 campaign?

17 A I mean, Elmwood won in December, so there was no reason to  
18 continue, you know, mapping after that point. I believe other  
19 committees, you know, would have continued to, you know, find  
20 out which partners supported the Union.

21 Q And in fact, that continues through today, August 24th,  
22 2022, correct?

23 A I'm not personally involved in that.

24 Q You don't go to the Union meetings anymore?

25 A It's very different than it was in the beginning. It's

1 not centralized.

2 Q Do you still have weekly meetings at the Union office to  
3 talk about Union activities?

4 MS. STANLEY: Objection --

5 A No.

6 MS. STANLEY: -- to relevance.

7 Q BY MS. POLITO: When did those stop?

8 A I don't actually have a date. I'm not sure.

9 Q When did you stop going to those meetings?

10 A They stopped being in-person because of COVID, so I don't  
11 remember, because there were so many Zoom calls that I couldn't  
12 possibly attend all the Zoom calls.

13 Q So at some point, the in-person weekly meetings turned to  
14 Zoom calls due to COVID concerns.

15 A Correct.

16 Q During the time that the support store managers were in  
17 the Elmwood store, did any of them tell you that you couldn't  
18 talk about Union activities?

19 A The support managers at some of the other stores did tell  
20 me I couldn't talk about Union activities. At Elmwood, they  
21 more came up to me while I was having conversations with my  
22 partners and, you know, made it physically impossible to  
23 continue without putting people in really uncomfortable  
24 positions.

25 Q Who did that to you at the Elmwood store?



1     A     Sarah Muntz, Dustin Taylor, and the presence of Matt  
2     Lavoie, of, you know, Michaela Murphy, and MK, and Rossann  
3     Williams, and Denise Nelsen, and Allyson Peck, and Deanna  
4     Pusatier, all at different times, made having conversations  
5     impossible.

6     Q     Because of their presence in the store?

7     A     Correct.

8     Q     But they never told you that you couldn't have those  
9     conversations, correct?

10    A     Partners were afraid to talk in front of them, so their  
11    presence made it impossible to have conversations with -- where  
12    partners could feel like they would not be overheard --

13    Q     Okay.

14    A     -- and would not be intimidated.

15    Q     Okay, but they never told you that you couldn't have  
16    conversations regarding Union activities, correct?

17    A     At Elmwood, no. At other stores, yes.

18    Q     Which partners at Elmwood told you that they were afraid  
19    of having a conversation due to the presence of the individuals  
20    that you just named?

21    A     Multiple partners.

22    Q     Name them, please.

23    A     Angela Dudzic, Cassie Fleischer. It was a very constant  
24    thing. Like, you know, I was -- the first time I met Dustin, I  
25    was trying to get my partner a beverage. And I was trying to

1 talk to Angela, and Dustin came over and was literally standing  
2 over her shoulder, making it impossible for us to have a  
3 conversation without being heard. And --

4 Q Did she tell you that she was afraid to have a  
5 conversation with you?

6 A She -- yes.

7 Q Okay. Who else told you besides -- Angela and Cassie  
8 told --

9 A (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) couldn't support the Union because  
10 of how many people were there.

11 Q So --

12 A Oftentimes, it was communicated, you know, not in, like,  
13 you know, I, specifically, am -- it was more of a, you know,  
14 how can we talk with these people over here? I had to cut off  
15 conversations on numerous occasions with Cortland, with August,  
16 with other partners because managers were over our shoulders.  
17 And both of us just understood that we couldn't continue having  
18 those conversations.

19 Q That's not my question, as to whether you thought a  
20 partner understood you couldn't have a conversation. My  
21 question, specifically, is which partners told you that they  
22 didn't feel like they could have a conversation with you  
23 because of the store support managers or the other individuals  
24 you named present in the store.

25 A There were, I mean -- in those words -- you know, Angela,

1     Cassie, J.P., (b) (6), (b) (7)(C)     There could've been others. I don't  
2     remember.

3     Q     Are you aware that (b) (6), (b) (7)(C) specifically asked to be moved out  
4     of the Elmwood store because of the aggressive nature of the  
5     Union activities?

6     A     I have not heard that.

7     Q     So other than those individuals, there's no other  
8     individuals in the Elmwood store that told you they were afraid  
9     of talking to you as a result of the individuals named being  
10    present in the store; is that correct?

11    A     Since it was communicated largely via understanding and  
12    just common sense, probably not in those specific words.

13    Q     And your understanding is that -- and your testimony today  
14    is that -- you understood them to be fearful to talk to you,  
15    correct?

16    A     Correct.

17    Q     Do you remember giving a recording to -- during labor  
18    notes conference? Do you remember participating in a  
19    conference called labor notes?

20    A     Yes.

21           MS. STANLEY: Objection.

22    Q     BY MS. POLITO: Do you remember --

23           MS. STANLEY: Relevance and beyond the scope.

24    Q     BY MS. POLITO: Do you remember stating during that  
25    conference -- or laughing about the fact -- stating and

1 laughing -- that the efforts of the Starbucks "SWAT team of  
2 managers who threatened taking away benefits and to scare them  
3 failed"; do you remember that?

4 MS. STANLEY: Objection. Relevance and beyond the scope.

5 A I did say that.

6 Q BY MS. POLITO: So which is it?

7 A We wanted a Union.

8 Q Were you scared or were you not scared?

9 A We wanted a Union. So it failed in preventing us from  
10 winning our Union.

11 Q So therefore, people weren't scared to vote in favor of  
12 the Union?

13 A People overcoming fear does not mean that there was no  
14 fear.

15 Q Okay. And who else do you think was fearful of voting in  
16 favor of the Union? Or who do you --

17 MS. POLITO: Strike that.

18 Q BY MS. POLITO: Who do you think was fearful in voting in  
19 favor of the Union at the Elmwood store?

20 A Given how many times we heard from managers all of the  
21 things that could happen if we unionized -- that we could lose  
22 benefits, that we could lose our right to transfer, that we  
23 could lose our right to pick up shifts -- people were scared.  
24 They did it anyway in solidarity.

25 Q Who -- who was scared, Jaz? Ms. Brisack? Who was scared,



1 Ms. Brisack?

2 MS. STANLEY: I'm just going to object counsel asking for  
3 names of people who voted for the Union.

4 A I don't think -- I mean, I think it would be easier to  
5 name partners who weren't scared.

6 Q BY MS. POLITO: That's not my question, though.

7 A I'm just --

8 Q My question to you is -- Ms. Brisack, you've just told  
9 this courtroom that people were scared, and my question to you,  
10 who do you personally know was scared?

11 A I think a lot of people were very scared and nervous about  
12 what could happen if they voted for the Union. People, you  
13 know, ranging from -- I don't even know who voted for the Union  
14 because we --

15 Q I'm -- I'm not asking that question anymore. I'm -- I'm  
16 not asking that question. The question was, who was -- who do  
17 you personally know that was scared to vote in favor of the  
18 Union?

19 A I think it was a huge range from Emily to J.P. to (b) (6), (b) (7)(C) to  
20 August to Cassie to basically all the partners who had been  
21 subjected to this constant stream effect.

22 Q Do you know if any of those partners are coming to testify  
23 in this proceeding about their fear?

24 A I am not sure.

25 MR. HAYES: Objection. Relevance.

1 Q BY MS. POLITO: Do you?

2 A I would assume Cassie is testifying.

3 Q Anyone else?

4 A I do -- I don't know the witness list.

5 Q Have you asked any of those partners to come to testify  
6 about their fear?

7 A I haven't been talking to people about their testimony.

8 Q You talked about a number of the meetings which we refer  
9 to as listening sessions. Is that what you were referring to?  
10 The listening sessions that were held by corporate executives  
11 that were in Buffalo?

12 A Listening sessions, one-on-ones, individual  
13 conversations -- so the listening sessions are included but not  
14 the entirety.

15 Q During the listening sessions, isn't it true that at every  
16 listening session there was a member of a Union organizing  
17 committee there at the listening session asking Starbucks  
18 officials about Union activities and demonstrating their  
19 position in support of the Union?

20 MS. STANLEY: Objection. Calls for speculation beyond the  
21 meetings she was present for.

22 A Correct. I was not at all the listening sessions. So I  
23 have no idea what happened in -- or who was present in the  
24 other ones.

25 Q BY MS. POLITO: But you were aware that there was an



1 effort by the Union committee to have someone attend each  
2 listening session and present the views of the Union at each  
3 listening session; you were aware of that, correct?

4 A I'm aware there were meetings that were deliberately  
5 scheduled where no Union organizing committee members were  
6 allowed to attend. So I believe that your statement is false,  
7 but it is speculation.

8 Q My quest -- let me ask the question differently. Your  
9 unders -- isn't it true that there was an effort by the Union  
10 organizing committee to have a Union supporter at each  
11 listening session stating the Union's position with respect to  
12 what would happen if they organized?

13 MR. HAYES: Objection. Relevance. Beyond the scope.  
14 Lack of foundation.

15 A What I'm aware of is that Elmwood we, as a committee,  
16 tried to have someone in meetings to counter the  
17 misinformation, but there were meetings that none of us were  
18 able to attend or allowed to attend.

19 Q BY MS. POLITO: So the meetings where you countered the  
20 misinformation, that was when you had requested a Union  
21 organizing committee member to attend the listening session  
22 and/or meeting to counter the misinformation you believed was  
23 coming from corporate Starbucks; is that correct?

24 MR. HAYES: Same objections.

25 A I didn't personally request. We decided collectively.

1 Q BY MS. POLITO: And when you say, "we", you mean Workers  
2 United?

3 A I mean the Elmwood organizing committee.

4 Q And it was decided that each of those meetings would be  
5 recorded, correct?

6 MR. HAYES: Same objections.

7 A We were aware that Starbucks might be breaking labor laws,  
8 so we did try to document.

9 Q BY MS. POLITO: And so again, my question is prior to the  
10 meeting, there was an agreement that you would record the  
11 meeting, correct?

12 A I'm not sure what you mean by agreement.

13 Q Well, you just said, "that we decided", and you refer to  
14 "we" as the Elmwood organizing committee -- "to have a Union  
15 mem -- supporter at each meeting to counter the misinformation  
16 of Starbucks"; is that correct?

17 MR. HAYES: Objection. Asked and answered.

18 A We said we try to --

19 MR. HAYES: Counsel just went over the answer.

20 Q BY MS. POLITO: I'm sorry. Did you have an answer?

21 A I said, we would try to attend them. There were meetings  
22 that we could not attend or we were not allowed to attend.

23 Q And the meetings that you tried to attend, you also had an  
24 agreement in place before the meeting to record the meetings,  
25 correct?

1 MR. HAYES: Objection. Asked and answered.

2 A We discussed recording, but we didn't -- it wasn't a  
3 formalized agreement.

4 Q BY MS. POLITO: And isn't it true that each of those  
5 meetings were recorded?

6 A I -- the ones that I attended you have the recordings for.  
7 So I recorded the ones that I could.

8 Q You must be aware that the others were also recorded,  
9 correct?

10 A There were so many meetings. I do not believe all of them  
11 were recorded. I'm aware that some of the others were.

12 Q Do you have a list of all the meetings that were recorded?

13 A I do not.

14 Q Do you of anyone that does have that list?

15 A I do not.

16 Q Are you writing a documentary about your experience at  
17 Starbucks?

18 MR. HAYES: Objection. Relevance.

19 A I'm not writing a documentary.

20 Q BY MS. POLITO: Are you writing a book?

21 MS. STANLEY: Objection. Relevance.

22 A Yes.

23 MR. HAYES: Objection. Beyond the scope and relevance.

24 Q BY MS. POLITO: Is that right, you're writing a book?

25 A Yes.

1 Q And isn't it true that you've publicly posted about the  
2 Union activities in Buffalo?

3 A Can you clarify?

4 Q Sure. Tell me what social media accounts you have?

5 A Twitter, Facebook, Instagram.

6 Q What's your Twitter name?

7 MS. STANLEY: Objection. Relevance and beyond the scope.

8 A Jazbrisack.

9 Q BY MS. POLITO: What about Facebook?

10 A Same, I believe.

11 Q Instagram?

12 A Same, I believe.

13 Q Let's start with Twitter. Have you ever posted on Twitter  
14 about the Union activities in Buffalo, New York?

15 A Yes.

16 Q How often?

17 A I am not sure.

18 Q Isn't it true that every time a partner is disciplined or  
19 terminated, there is a post about them on a social media feed?

20 A I don't believe on my personal ones.

21 Q Are you responsible for maintaining any nonpersonal social  
22 media relating to the Union activities?

23 MR. HAYES: Objection. Relevance. Beyond the scope. And  
24 it's interrogation of Section 7 activity again.

25 A I have helped with the national Starbucks Workers United

1 account.

2 Q BY MS. POLITO: Do you work for the Union?

3 MR. HAYES: Objections.

4 Q BY MS. POLITO: Yes?

5 A Yes.

6 Q Isn't it true that every time a partner in Buffalo is  
7 terminated that there is a post about it on a social media  
8 feed?

9 A I believe that's correct.

10 Q And that post is not coming from Starbucks; isn't that  
11 correct?

12 A That's correct.

13 Q And isn't it true that you use the terminations to garnish  
14 support for your Union activities?

15 A That's incorrect.

16 Q What's the purpose of posting then?

17 A To hold Starbucks accountable for what they're doing to  
18 our partners.

19 Q And how many partners do you think that have been  
20 terminated in the Buffalo market as a result of Union activity?

21 A Are we counting constructive discharges?

22 Q You can.

23 A I would say, given how many people were forced out over  
24 their hours, it has to be dozens.

25 Q Do you know the names of those "dozens" of partners?



1 A I don't know the names of all of them. I do know that  
2 stores lost huge numbers of supporters. For example, the  
3 Williamsville Place store.

4 Q Did you know why those partners left?

5 A Because their hours were dramatically slashed.

6 Q Did you talk to them about the fact that their hours were  
7 dramatically slashed and that's why they left Williamsville  
8 Place?

9 MR. HAYES: Objection. Relevance.

10 A I've talked to some --

11 MR. HAYES: Beyond the scope.

12 A -- partners. I've talked to some partners. I don't know  
13 which.

14 Q BY MS. POLITO: Which partners did you speak to?

15 MS. STANLEY: Objection. Relevance.

16 A I've talked to Kaitlyn from Williamsville Place, to Matt  
17 from Williamsville Place, and to Kacie and other partners who  
18 have, you know, confirmed these things.

19 Q BY MS. POLITO: What other partners besides Kaitlyn, Tamit  
20 (sic), and Kacie?

21 MR. HAYES: Same objection.

22 A At Williamsville Place, specifically?

23 Q BY MS. POLITO: Correct.

24 A Those are the partners I remember talking to.

25 Q And each of those partners told you that they left because



1     their hours were dramatically slashed?

2           MS. STANLEY:  Objection.  There's no allegation as to any  
3     of these partners.

4     A     They told me that that was going on at their store.

5     Q     BY MS. POLITO:  They told you that hours were being  
6     dramatically slashed at their store?

7     A     Yes.

8     Q     Did they tell you that's why they left?

9     A     That was a bi -- major contributing factor, yes.

10    Q     And that's what Kaitlyn told you?  Do you know what  
11    Kaitlyn's last name is?

12    A     I'm blanking right now.

13    Q     Do you know what Tamit's last name is?

14    A     Who?

15    Q     Tamit.

16    A     I don't know who that is.

17    Q     So you told me there were three names -- Kaitlyn -- I  
18    thought you said "Tamit", and --

19    A     Matt.

20    Q     Matt.  Sorry.  Do you know what Matt's last name is?

21    A     I think it's Narinesingh.

22    Q     Do you know how to spell that?

23    A     I'm going to misspell it.

24    Q     And I -- is it your understanding that Kaitlyn and Matt  
25    are no longer employed by Starbucks?

1 A That's correct.

2 Q You told us earlier that there were terrified partners in  
3 the market. Can you tell me who has expressly told you that  
4 they were terrified about the Union activities?

5 A I have concern for their safety if I name names.

6 Q Sorry. You have to name them. If you're going to testify  
7 that there's terrified partners in the market, I'm entitled to  
8 know who they are.

9 A Partners who told me --

10 Q Specifically told you that they were terrified. That --  
11 that was your language. Your language was that there were  
12 terrified partners in the market. I want to know who told you  
13 that they were terrified?

14 A Well, Angel Krempa told me that she was before she was  
15 fired. Vic Conklin told me that she was very afraid and that  
16 was why she had not been for the Union in the beginning. Dan  
17 Rojas told me that they were terrified and that was why it had  
18 taken them so long to become a member of the organizing  
19 committee. I talked to partners at other stores who were too  
20 afraid to even be seen talking to me.

21 Q And how -- okay. Who was afraid to be seen talking to  
22 you?

23 A Deanna Morales for one.

24 Q Who else?

25 A I had to meet with partners, you know, in complete secret

1     who generally did not want to be, you know, publicly talking to  
2     me about this. During many conversations I had to cut it  
3     short. Allegra was a Union supporter but I couldn't speak to  
4     her in front of managers because she was too afraid of what,  
5     you know, they might do.

6     Q     Did she tell you that? Did she specifically tell you that  
7     she was too afraid to talk to you because of what the store  
8     managers might do?

9     A     Yeah.

10    Q     When did she tell you that?

11    A     After I went in and had that interaction with Gavin and  
12    Allegra. We were talking. It was basically, you know, that  
13    she couldn't -- Gavin had been talking to her and to Roisine in  
14    the back and you know, saying that he could get fired if he let  
15    them talk. That, you know, bad things could happen if they  
16    were talking to me.

17    Q     Other than Angel, Vic, and Danny, did anyone else tell you  
18    they were terrified?

19    A     Multiple partners, but it's blurred together quite a bit.

20    Q     So you can't remember anyone else's name right now?

21    A     I mean, so many partners were concerned. Kacie was --

22    Q     That wasn't my --

23    A     -- scared.

24    Q     -- question. My question was you testified earlier that  
25    there were terrified partners in the market. I'm going to ask

1     you again, specifically, who told you they were terrified?

2     A     I can't remember other names right now.

3     Q     You told me earlier that you thought there were about 400  
4     partners in the market. Have you spoken to most of those  
5     partners about the Union activities?

6     A     I've spoken to a lot of partners, but I don't believe  
7     most.

8     Q     Of those 400 -- assuming that 400's the right number --  
9     how many have you spoken to?

10    A     I'm not sure how to calculate that.

11    Q     Have you spoken to more than 200 partners in the Buffalo  
12    market about the Union activities?

13    A     I'm not sure. I've been at meetings where many partners  
14    were present, and I've picked up shifts at other stores. But I  
15    don't think I've talked to that many about the Union  
16    specifically.

17    Q     Isn't it true when a partner gets hired a Union supporter  
18    asks them for their phone number and automatically puts them in  
19    a text message group?

20           MR. HAYES: I'm objecting to this line of questioning as  
21    well. It's not relevant. It's also beyond the scope. It's  
22    also interrogation about Section 7 activity.

23    A     I know that I've asked a couple of new hires for their  
24    contact info to keep them in the loop, but I'm not aware of a  
25    you know, broad policy.

1 Q BY MS. POLITO: And for the new hires that you obtained  
2 their contact information upon hire and -- did you ask them  
3 specifically for consent to add them to a Union-supporting text  
4 message?

5 A Yes.

6 Q Prior to adding them to that group?

7 A Yes.

8 Q Do you also add them to the GroupMe?

9 A If they wanted to.

10 Q So your practice was to ask them before you added them?

11 A Yes.

12 Q And that continues through August of 2022?

13 A Yes.

14 Q How many stores in the Buffalo market have voted to  
15 unionize?

16 A I believe eight.

17 Q 8 out of 20?

18 A Yes. Not counting Camp and Walden.

19 Q What's going on with those two?

20 A Neither has been recertified because a fair election was  
21 never possible.

22 Q So you're challenging the results at Camp and Walden?

23 MS. STANLEY: Objection. Are you asking if she  
24 specifically is challenging them?

25 Q BY MS. POLITO: Well, you work for the Union, right?



1 A I do, but I am not the Union.

2 Q But you're aware of whether or not the Union is  
3 challenging the vote at Camp and Walden, correct?

4 MR. HAYES: Same objections.

5 A My understanding is the Union is challenging those. I  
6 personally am not challenging those.

7 Q BY MS. POLITO: So of the 8 out of 20 -- the 8 that have  
8 voted to unionize, there's 2 other that votes have taken place  
9 at that are in question. And so the re -- there's ten  
10 remaining stores in the Buffalo market where there's no --

11 A I believe so.

12 Q Okay. And has there been a vote taken at any of those ten  
13 stores or --

14 A No.

15 Q -- a petition signed? Are you still working to unionize  
16 those remaining ten stores?

17 MR. HAYES: Same objections.

18 A That's not something I can share with Starbucks.

19 Q BY MS. POLITO: Well, your testimony here today is because  
20 you said that your activities have been chilled. So have you  
21 stopped trying to organize at those ten remaining stores or  
22 not?

23 MR. HAYES: Same objections.

24 A If partners want to organize, we will organize them.

25 Starbucks actions have meant the partners are afraid to reach

1 out about organizing. So -- so it's not like we're, you know,  
2 forcing partners who are terrified to organize with us.

3 Q BY MS. POLITO: Again, you're using the word "terrified".  
4 Who's terrified, Ms. Brisack?

5 MS. STANLEY: Objection. Asked and answered.

6 MS. POLITO: She just said it again.

7 Q BY MS. POLITO: So who were you referring to in your last  
8 statement as being terrified?

9 A It's conjecture. Because if partners who are not reaching  
10 out to us because of actions Starbucks has taken. So I'm not  
11 aware of the partners who are not reaching out to us because of  
12 the actions that Starbucks has taken because they're afraid.

13 Q So your assumption is that if someone doesn't want to  
14 unionize it must be because of the actions of Starbucks, not  
15 because they just don't want to unionize?

16 MR. HAYES: Objection. Argumentative.

17 A Given how many partners wanted to unionize in the  
18 beginning of the campaign and how different it is to try to  
19 have organizing conversations after everything Starbucks has  
20 done to us, I believe that is the case.

21 Q BY MS. POLITO: So that's your personal belief?

22 A Backed up by what partners have said.

23 Q Okay. Other than what you've already told me, what else  
24 have partners said to you about not supporting the Union or  
25 being afraid to support the Union? Other than what we've just

1 discussed, what other partners have told you that they're  
2 afraid to support the Union?

3 A Partners at the Depew store who are on the bargaining  
4 committee have said, you know, that they were less comfortable  
5 being public in their roles after Angel and Minwoo were fired.  
6 Partners at Elmwood have been, you know, worried about sticking  
7 their neck out or about the constant pressures. And I can only  
8 expect that, you know, a lot of the fact that partners at these  
9 stores are still communicating and still picking up shifts at  
10 other stores is influencing, you know, whether the other stores  
11 are reaching out to us.

12 Q Which partners at Depew?

13 A I believe it was Nichole and another partner who were much  
14 more concerned about being public after.

15 Q Anyone else?

16 A I mean, I know partners at East Robinson have been  
17 concerned after the firings of Nathan and Vic about what's  
18 going to happen. That includes Kayla Sterner -- not Sterner.  
19 I'm sorry. That's a different Kayla. Kayla Disorbo, who is  
20 very concerned that, you know, she could be next. And other  
21 partners there.

22 Q So you mentioned three stores where you thought that there  
23 were partners that were -- expressed concern. Partners at  
24 Depew, you told me Nicole and another person who's name you  
25 don't know. Partners at East Robinson, you said Kayla and



1 anyone else?

2 A I believe others, but I have not been told that directly  
3 by them.

4 Q What about the partners at Elmwood that are expressing  
5 concerns about Union activity?

6 A Many partners have quit because they felt they had a  
7 target on their back.

8 Q Who has quit because they felt like they had a target on  
9 their back?

10 A Cortlin, Alyssa.

11 Q What did they tell you about why they quit?

12 A Alyssa said that it was, you know, basically too stressful  
13 and too intensive an environment and that, you know, she  
14 couldn't keep doing that.

15 Q Did she tell you why it was too stressful or too intense?

16 A Because of what Starbucks has been doing with cutting our  
17 hours and short-staffing our store.

18 Q What about Cortlin? What did she tell you about why she  
19 quit?

20 A He told me that, you know -- well, to be -- I did not -- I  
21 spoke to him before he walked out, when he was thinking about  
22 quitting because he was very concerned about, you know,  
23 management going after him. He had been a very vocal member of  
24 the Union committee and he was getting, you know, written up  
25 for dress code and for policies that hadn't been enforced

1 before and being told that he wasn't, you know, being peppy  
2 enough or upbeat enough, which led to him not being able to  
3 keep taking that pressure.

4 Q Have any of the partners that we've talked about or that  
5 we have not talked about expressed con -- to you -- that they  
6 don't want to be a member of the Union because of Union dues or  
7 Union rules?

8 A No.

9 Q No one's ever told you that?

10 A Cassie told me that before she became pro-Union. And then  
11 she became pro-Union and was fired.

12 Q Have you talked to Cassie about her termination?

13 A Yes.

14 Q The store support managers all left Buffalo around  
15 December of 2021; is that correct?

16 A Most of them left Elmwood. Katherine Posey left Elmwood  
17 at the end of our strike in early January. But I'm aware that  
18 there are additional support managers coming into other stores  
19 in the Buffalo market.

20 Q Presently, in August of 2022, you think there are store  
21 support managers in the Buffalo market?

22 A Yes.

23 Q What stores do you think they are located at?

24 MS. STANLEY: Objection. Relevance and beyond the scope.

25 A I'm aware of Scott (phonetic throughout) at Sheridan and

1 Bailey, and I'm aware of a manager from Montana who just showed  
2 up at Camp Road.

3 Q BY MS. POLITO: Anyone else? That you're aware of?

4 A Not off the top of my head.

5 Q Isn't it true that every time you post about a termination  
6 that you garnish support for the Union activities in the  
7 Buffalo region?

8 MS. STANLEY: Objection. Asked and answered.

9 A I don't believe that's correct.

10 JUDGE ROSAS: Counsel, don't reask questions, okay?  
11 There'll be a limit to just asking the same question over and  
12 over again, okay?

13 MS. POLITO: I didn't think that I asked that --

14 JUDGE ROSAS: Okay.

15 MS. POLITO: -- before, Judge.

16 JUDGE ROSAS: Okay. So you're asking numerous questions  
17 over and over again. You're changing maybe one or word two.  
18 But --

19 MS. POLITO: Not doing it intentionally, Judge.

20 JUDGE ROSAS: Establish a record. Let's not drag it out  
21 with the same question.

22 MS. POLITO: Judge, if I could just have five minutes,  
23 please? I -- I -- I might be done.

24 JUDGE ROSAS: Off the record.

25 (Off the record at 10:48 a.m.)

1 MS. POLITO: I have nothing further, Judge.

2 JUDGE ROSAS: Anything?

3 MS. STANLEY: I have no redirect.

4 MR. HAYES: No questions.

5 JUDGE ROSAS: Okay. Thank you. You're excused.

6 THE WITNESS: Okay.

7 JUDGE ROSAS: Do not discuss your testimony with anyone  
8 until you're advised by counsel that the record in the case is  
9 closed.

10 THE WITNESS: Thank you.

11 MR. HAYES: Your Honor, I'd like to address something  
12 before we call the next witness.

13 JUDGE ROSAS: I'm sorry. On record, yes. Thank you. Go  
14 ahead.

15 MR. HAYES: Oh, you want her to leave?

16 UNIDENTIFIED SPEAKER: Thank you.

17 MR. HAYES: Can we wait until he gets back?

18 MS. POLITO: Can we wait until Mr. Balsam gets back? He's  
19 using the restroom?

20 JUDGE ROSAS: Go ahead.

21 MR. HAYES: Your Honor, I just need to address what  
22 counsel for the Company is being allowed to do on cross-  
23 examination on just and proper evidence. We just heard  
24 extensive, extensive questioning that was very far beyond the  
25 scope of what was asked on direct, and is clearly not relevant.

1 That's not even the main problem with what happened. There was  
2 extended interrogation of why Ms. Brisack went to Starbucks.  
3 Conversations she had with other workers that has nothing to do  
4 with just and proper evidence.

5 There was also extended interrogation about a -- a huge  
6 variety of other Sec -- Section 7 activity about internal  
7 organizing mechanics and the way the Union tracks Union support  
8 at stores that's also not relevant to just and proper evidence,  
9 and is obviously far beyond the scope of what was asked on  
10 direct.

11 The Company is clearly trying to make up for questions  
12 they failed to ask when the witnesses were first testifying  
13 beyond the just and proper evidence -- just their normal  
14 testimony. They're trying to fish for information that they  
15 can put into new subpoenas that are overly burdened that will  
16 burden the Union and workers and slow down the process and  
17 muddy the water.

18 And I have to emphasize, this kind of interrogation is the  
19 same kind of conduct that the Company is accu -- the Company  
20 itself -- is accused of carrying out in the amended complaint.  
21 It's interrogating workers about whether they support the  
22 Union. By implication, whether they voted for the Union.  
23 That -- the -- so that's not just beyond the scope. That's a  
24 violation of the National Labor Relations Act. They're abusing  
25 the fact that you're not going to rule on objections, and if --

1 if this is the -- the way they're allowed to proceed, this  
2 could go on forever. They could conceivably just sit here for  
3 days or weeks interrogating the same witness about anything  
4 they please -- something that's not relevant to the case, not  
5 related to their testimony, either their main testimony or  
6 their just and proper testimony -- and it's going to be allowed  
7 to stand.

8 So it -- it seems like the system that has been set --  
9 and -- and I also understand this is exactly what happened  
10 yesterday with several witnesses. The -- the process of not  
11 ruling on objections -- I understand it, but it seems to be  
12 premised on some degree of an honor system or good-faith  
13 behavior by Starbucks counsel. That's not happening here. So  
14 I'm asking you to reconsider the way this is being treated and  
15 engage in some kind of threshold question where if there's  
16 extenst -- extended questioning that is not relevant -- that's  
17 beyond the scope and/or that's interrogation about protected  
18 activity -- that you put a stop to it and set some kind of  
19 limit on what the Company's allowed to do here.

20 MS. STANLEY: I would join the Union's request.

21 JUDGE ROSAS: Respondent?

22 MS. POLITO: Your Honor, first of all, counsel's remarks  
23 that we are not acting in good-faith is highly offensive and  
24 completely inappropriate. We asked this Court to exercise  
25 discretion and not allow chill evidence at this late stage of

1     this hearing. We specifically made that request twice on  
2     Monday and asked this Court not to exercise -- not to allow  
3     chill evidence. It's not relevant to the hearing. And if you  
4     were going to -- and to not allow it at this late stage. So  
5     there's no hidden motive. We didn't -- we don't -- we don't  
6     want it. They want it.

7             They want chill evidence, and they want to introduce it in  
8     this hearing. And we have asked on the record that it not be  
9     introduced. If they're going to go forward and introduce  
10    witnesses to talk about chill evidence, we have the right to  
11    ask them questions just like we would at a deposition, which  
12    could take way longer than Ms. Brisack's cross-examination.  
13    We're not limited to direct examination. I can ask any  
14    questions I -- I want to ask of her relating to whether or not  
15    the activities actually chilled their Union activity. And I  
16    have a right to know all those questions. All those questions  
17    I could ask at a deposition just like I can ask here.

18            If they don't want to introduce chill evidence at this  
19    late stage, they don't have to do it. We're going to go to  
20    federal court anyway. The federal court judge is going to set  
21    parameters with respect to the chill evidence. Additional  
22    depositions and additional discovery. We are not acting in bad  
23    faith. We are responding to what the General Counsel and the  
24    Union is bringing forth to this courtroom, which we have every  
25    right to do, Your Honor, at this stage.

1           And with respect to the issuance of subpoenas, the only  
2 subpoena we're issuing with respect to Casey Moore's testimony  
3 directly related to evidence that -- again, they chose to  
4 introduce emails. They didn't -- chose to introduce the full  
5 extent of the emails. I have an obligation on behalf of my  
6 client to ask for that information. If we want to wait until  
7 we go to federal court and we have discovery in federal court  
8 where -- the Respondents might actually get a piece of paper,  
9 which we haven't gotten at all in this proceeding to date -- to  
10 talk about being unfairly prejudice and us acting in bad faith  
11 is really highly offensive. We're doing our job. I've asked  
12 this Court not to allow chill evidence. They want to allow  
13 chill evidence and then they want to limit it. It's not  
14 acceptable, Judge.

15           JUDGE ROSAS: Okay. So it -- it's clear that from what  
16 just transpired we're going to -- we're going to modify the  
17 process going forward to the extent that -- as in a  
18 deposition -- and as I indicated yesterday when I suggested  
19 counsel had the -- the right -- the approach -- to get a ruling  
20 from the district court -- that will be counsel's prerogative  
21 should either side object to a question. Should the General  
22 Counsel and the Charging Party, as in a deposition, instruct  
23 the witness not to answer a particular question so that they  
24 can then get a ruling, that'll be preserved on the record. You  
25 all can go get a ruling, but not today. You'll have the



1 transcript, and you can present the transcript to the judge and  
2 you can get his ruling. And you can work it all out later,  
3 okay? Because this proceeding is moving forward.

4 Now, I will also say in response to what counsel is  
5 alleging -- Charging Party -- we have had in the past instances  
6 where questioning in -- in a proceeding can result in  
7 additional Section 8(a)(1) charges, violations of the Act. I  
8 don't know if that's a prerogative that the -- the General  
9 Counsel and Charging Party will pursue in this proceeding, but  
10 that's up to them. I mean, if counsel's allegations are  
11 correct, that is essentially what the Respondent could be  
12 facing here based on -- upon what he's saying. I -- I don't  
13 know where they're going with it or you know, what the scenario  
14 presents since you are asking it within the context of just and  
15 proper evidence relevant to a Section 10(j) proceeding, but  
16 that is what it is.

17 As I indicated yesterday, the general framework is going  
18 to continue to be followed, which is that the record is the  
19 prerogative of the district court. Counsel, you know, to some  
20 limits will be permitted to, you know, establish their record,  
21 but not to reask the same questions, as I indicated to you at  
22 the end. And you have to kind of get to what's -- what's  
23 relevant -- what you reasonably reel -- feel is relevant to the  
24 Se -- to the 10(j) proceeding. So I'm sure you're -- you're  
25 going to try to do. So does anybody have any question about

1     that going forward?

2           MR. HAYES:   So Your Honor, the -- the limit -- or the  
3     modification on the rule that you're telling us right now is  
4     just that we can instruct the witness not to answer certain  
5     questions and that will be ruled on later?

6           JUDGE ROSAS:   Either -- you -- you can take it to the  
7     district court tomorrow if we get an expedited transcript.

8           MR. HAYES:   But that's presumably on the very, very  
9     limited grounds where -- on -- on which counsel can instruct a  
10    witness not to answer a question in a deposition, right?

11          JUDGE ROSAS:   Well --

12          MS. POLITO:   Which is -- just by the way, Judge.   You --  
13    you can't.   In a deposition, you can't -- you can't instruct  
14    the witness not to answer a question.   So if we're doing  
15    depositions at this hearing, which again is what they want --  
16    not what we asked for -- and we asked -- again, we asked this  
17    Court not to take chill evidence to exercise discretion and not  
18    do it -- for this very reason that we're doing depositions  
19    while we're doing a Board hearing.   It doesn't make any sense  
20    to me -- it still doesn't make any sense, but if they want to  
21    continue to do it, they can't direct a witness not to answer  
22    because they don't have that prerogative in federal court -- at  
23    a deposition.   They can note their objection for the record,  
24    and then they can ask that the transcript be stricken at some  
25    point later on, but they can't direct a witness not to answer a

1 question at a deposition.

2 JUDGE ROSAS: All right. Counsel --

3 MS. POLITO: So --

4 JUDGE ROSAS: I -- I sat here and I listened to what was  
5 in the context of an unfair labor practice proceeding could  
6 possibly be seen as additional violations -- unlawful  
7 interrogation, okay? I am sitting in that capacity as -- as an  
8 administrative law judge for the National Labor Relations  
9 Board, adjudicating duties and responsibilities and liabilities  
10 under the National Labor Relations Act. So I'm not going to  
11 sit here and -- you know, if -- if someone tells a witness not  
12 to answer so they can get a ruling from the district court,  
13 that's what they're going to do. They're not going to get it  
14 from me.

15 But at the same time, that's the -- I think, the best I  
16 can do to balance what my duties and obligations are under the  
17 Act. Okay? All right. Let's call the next witness. Next  
18 witness, counsel?

19 MS. STANLEY: The General Counsel recalls William  
20 Westlake.

21 JUDGE ROSAS: All right. Mr. Westlake, I'll remind you,  
22 you're still under oath.  
23 Whereupon,

24 **WILLIAM WESTLAKE**

25 having been previously sworn, was called as a witness herein



1 and was examined and testified as follows:

2 THE WITNESS: Thank you.

3 MS. POLITO: Before Mr. Wetla -- Westlake starts, please  
4 note our objection to Mr. Westlake being allowed to present  
5 testimony regarding chill evidence and being allowed on cross-  
6 examination to be instructed not to respond to a question in  
7 violation of the federal rules of evidence and the companion  
8 10(j) proceeding.

9 **DIRECT EXAMINATION**

10 Q BY MS. STANLEY: Hi, Will.

11 A Hi.

12 Q What impact, if any, did Starbucks' response to the Union  
13 campaign have on organizing efforts at your store?

14 A Well, I think very quickly people started becoming afraid  
15 of either having signed a card or being known by the Company as  
16 being pro-Union.

17 Q How do you know that people thought that way?

18 A I had several conversations with different people in each  
19 store where they approached me with these concerns. And also  
20 concerns just that they would be retaliated against or that the  
21 store might close as a result of us organizing.

22 Q Who approached you at your store with concerns?

23 A So I had one conversation with Julia Walsh, where she  
24 showed me an article from the Buffalo news about the closing of  
25 the Walden Galleria and Walden Anderson stores, asking me if

1     that had meant that our store might close in retaliation for  
2     organizing.

3             I had had a conversation with Haley Gortzig about concerns  
4     about being -- it being public that she had signed a card or  
5     that the Company might be aware of signing a card. I had  
6     conversations with Josh Pike and Ryan Motts about, you know,  
7     people having come to them with fears about the organizing  
8     campaign and being afraid of what the Company was going to do  
9     in response to an organizing campaign at our store. And  
10    just -- I had had conversations with other members of the  
11    organizing committee about people having approached them as  
12    well.

13    Q     Did any of your coworkers express concern to you about  
14    publicly supporting the Union?

15    A     Yes. So as I had previously stated, Haley Gortzig was one  
16    of those people, as well as Ryan Motts and Josh Pike. Joe  
17    LaTiff (phonetic throughout). I had heard that concern from  
18    Skylar Miranda as well.

19    Q     Did any of your coworkers express concern to you about the  
20    possibility of retaliation for signing a Union card?

21    A     Yes. I had heard that from Haley Gortzig again. I had  
22    heard the from Danielle Kanavel. And I was also approached by  
23    Kathryn Bergmann as being afraid of you know, response to  
24    having signed a Union card.

25    Q     Did any of these people tell you why they were concerned?

1     A     Yes. I mean, at first I think there were very early on  
2     the closing of the Walden Anderson store and the Walden  
3     Galleria Mall kiosk.

4           But also fairly immediately into the organizing drive we  
5     had started having one-on-one and two-on-one meetings with  
6     management. And those continued for quite a while and people  
7     had said that those -- in those meetings they were asked  
8     questions about either Union support or questions about, like,  
9     how -- that like, implied, I guess, the Union campaign. And so  
10    that was making them fearful for, you know, their jobs and  
11    security at work.

12    Q     Who conducted those meetings that you're referring to?

13    A     So at first that would've been David Fiscus and David  
14    LeFrois, our store manager and district manager. And later on,  
15    meetings were conducted by Rossann Williams, Kelliegh Hanlon,  
16    Taylor Pringle, and also by MK.

17    Q     How, if at all, did the presence of support managers  
18    impact organizing at your store?

19    A     As I had previously testified, the su -- presence of  
20    support managers basically shut down Union conversation within  
21    my store. In part, that was because in instances I pre -- like  
22    I previously testified about -- conversations were actually  
23    shut down by managers where we were told either that we could  
24    not talk about the Union campaign in general or about wages  
25    specifically. And also just the fact that there were so many

1 managers in the store and that the presence of managers was  
2 made, you know, much more clear with both hours of operation at  
3 the store being cut and also just the hours of operations with  
4 managers' presence being increased.

5 Q Did any coworkers talk to you, express concerns about that  
6 specific thing?

7 A Yes. Especially when hours of operation were cut. A lot  
8 of people who were closers had come to me saying that basically  
9 they had felt the only time they had had to talk about  
10 organizing was in the last few hours of our operation, and that  
11 now that was going away as a result of the management presence  
12 in the store.

13 Q Were you aware of any aspects of Starbucks' response to  
14 the campaign that impacted organizing throughout Buffalo?

15 A Could you repeat the question?

16 Q Did Starbucks' response to the campaign impact organizing  
17 throughout Buffalo?

18 A Yes. So I think in the first couple weeks of the  
19 campaign, we had majorities at about 11 stores. And then, you  
20 know, there was a very clear backlash from the initial response  
21 where we had started to lose some of those majorities. And it  
22 took a very long time to build those back up and, you know, be  
23 able to dissuade a lot of the fear that had been instilled in  
24 people very early on.

25 Q What else had an impact throughout Buffalo?

1     A     As I had previously testified, there were over 100  
2     managers that were spread throughout the district who were  
3     moving all between stores. There was also quite a bit of chaos  
4     in the stores, both between the multiple remodels that some  
5     stores had in Buffalo and the just, like, constant  
6     reorganization from different managers that would take over  
7     from week to week that made the job just I think a lot more  
8     disorganized and harder.

9     Q     Did you talk to partners throughout Buffalo over the  
10    course of the organizing campaign?

11   A     I did.

12   Q     What concerns did people bring to your attention?

13   A     Surveillance. The sort of like, two-on-one or one-on-one  
14   meetings that they were having with management. Having been  
15   both intimidating and also having been asked like, questions  
16   that they felt were, like, part of an interrogation, really.

17           And of course, the closings of Walden Anderson and the  
18   Walden Galleria Mall. I should also mention late -- later on  
19   the campaign, the firings of pro-Union leaders.

20   Q     What impact did that have?

21   A     While some -- when those leaders were fired, the news of  
22   their firings ended up going somewhat viral on social media.  
23   So I think a lot of partners were seeing that and impacted by  
24   that.

25   Q     What had partners -- what did partners tell you about



1     those firings?

2     A     They told me that they were afraid of being fired  
3     themselves. They were asking me, like, what protections were  
4     put in place to try to prevent something like that from  
5     happening. And they were just, you know, scared and concerned.

6     Q     Do you remember who -- what partners specifically brought  
7     these concerns to you about the firings?

8     A     Yeah. I -- I mean, I think everyone in -- all -- almost  
9     everyone in almost every organizing committee in Buffalo. So I  
10    would say, like, at my store alone, that would've been, like  
11    Gianna Reeve, Josh Pike, Ryan Mox, Elissa Pfleuger. But also  
12    Elmwood partners, Genesee partners and Sheridan-Bailey  
13    partners.

14   Q     Do you interact with partners from other parts of the  
15   country?

16   A     Yes.

17   Q     About what?

18   A     Helping them to sort of organize and follow in the steps  
19   of you know, Buffalo's organizing campaign.

20   Q     How has Starbucks' response to the Buffalo campaign  
21   effected campaigns across the country?

22   A     I was being reached out to by all of these partners, like  
23   I said, with just the different, like, videos and posts on  
24   social media about these firings, asking, you know, what had  
25   happened. For a long time, when I was first talking to a store

1 it would very much be -- you know, they would ask about firing,  
2 and I would say, well, you know, we just had this whole  
3 campaign in Buffalo, and up until now no one had been fired.  
4 And so I don't really think it's a concern. It doesn't seem to  
5 me like this is a company that would stoop to that level of you  
6 know, trying to union-bust.

7 And then it did happen. And so very quickly the  
8 conversation had to pivot more to okay, well, these are more  
9 things that, like, we can try to do to be more protected and,  
10 you know, while we hope, of course, that there's going to be  
11 legal outcomes that ultimately act as like a penalty for the  
12 company, that those aren't guaranteed and we still don't know  
13 necessarily what those outcomes are going to be yet.

14 Q What locations did partners who contacted you from --  
15 like, expressed concerns about firings?

16 A What locations were they from? Oklahoma City; Hopewell,  
17 New Jersey; Knoxville, Tennessee, Seattle, Washington. A few  
18 more.

19 MS. STANLEY: I have nothing further.

20 JUDGE ROSAS: Respondent, before you start your cross-  
21 examination, let's go off the record for a minute.

22 (Off the record at 11:17 a.m.)

23 JUDGE ROSAS: Respondent?

24 **CROSS-EXAMINATION**

25 Q BY MS. POLITO: Mr. Westlake, you just referred to videos

1 of firings on social media, correct?

2 A Yes.

3 Q Isn't it true that the firings -- though --

4 MS. POLITO: Strike that.

5 Q BY MS. POLITO: Isn't it true that the videos regarding  
6 firings on social media were not placed by Starbucks?

7 A Yes.

8 Q They were either -- they were placed by Starbucks Wor --  
9 Workers United, correct?

10 A They were posted by the workers who believed that those  
11 instances were unlawful and that was done through Starbucks  
12 social media -- Starbucks Workers United social media.

13 Q Right. So they were posted by Starbucks Workers United?

14 A Yes.

15 Q And you testified earlier that once those social media  
16 postings of the firings went public, they expressed concern to  
17 you about being afraid. Do you remember that testimony?

18 A Yes.

19 Q And when you said, "they", who were you referring to?

20 A Different workers in Buffalo or across the country  
21 depending on the specific testimony you're referring to.

22 Q Do you know who the workers were in Buffalo that  
23 specifically expressed concern to you after watching a video of  
24 someone being fired?

25 A I do.

1 Q Who?

2 A Haley Gortzig, Gianna Reeve, Josh Pike, Elissa Pflueger.  
3 Lit -- lit -- literally, there's so many people that I have  
4 ongoing conversations about this with. Those are the ones that  
5 I can recall at this time.

6 Q Can you recall any other names at this time?

7 A Yes. I can recall Kathryn Bergmann. I can recall Lexi  
8 Rizzo, Jaz Brisack, Michelle Eisen. I can recall Rachel Cohen.  
9 Elissa Spratza (phonetic throughout) from Oklahoma City.  
10 Alicia Humphrey (phonetic throughout) from Oklahoma City. Toby  
11 Jimenez (phonetic throughout) from Oklahoma City.

12 Q So with respect to terminations in Buffalo, when was the  
13 first time that you're alleging a Union supporter was fired in  
14 Buffalo?

15 A I would -- I'm -- I'm not exactly sure what the first date  
16 was but I believe the first firing in Buffalo was Cassie  
17 Fleischer.

18 Q And do you know what that date was?

19 A I would think that it was February of 2022.

20 Q And so between the time that the campaign started in --  
21 on August 23rd in 2021 and February of 2022 there were no  
22 firings in the Buffalo market of any pro-Union supporters,  
23 correct?

24 A I wouldn't really know.

25 Q Oh, I thought you just testified that you knew. So --



1 A I -- I said I wasn't sure exactly when it was. I said I  
2 guessed that it was about February of 2022.

3 Q And referring to Cassie Fleischer, specifically?

4 A Yes.

5 Q Are you aware of any pro-Union supporter that was  
6 terminated before Cassie Fleischer?

7 A Not to my knowledge.

8 Q So during that time period of August 23rd through 2021  
9 through February of 2022, you're not aware of any other Union  
10 leader in the Buffalo area being terminated, correct?

11 MR. HAYES: Objection. Asked and answered.

12 Q BY MS. POLITO: Is that correct?

13 A Again, it might have been slightly earlier than February.  
14 I would maybe say January, but within one of those two months.  
15 And yes, not before then, to my knowledge.

16 Q And -- but you would still be referring to Cassie  
17 Fleischer, correct?

18 A Correct.

19 Q And prior to January 2022, were there any stores in the  
20 Buffalo markets that had voted to unionize?

21 A Yes.

22 Q How many?

23 A Well, so I know that the Elmwood Avenue store would've  
24 been certified in December. I know that through the Genesee  
25 Street store that that certification was delayed by some

1 outstanding ballots that had been contested, so I'm not exactly  
2 sure when they were certified. But I would've said that they  
3 voted to unionize also by that time.

4 Q And then after January or February 2022 when the first  
5 Union supporter was terminated and the video was posted on  
6 social media, how many stores voted to unionize?

7 A Sor -- sorry. You're saying since January or February of  
8 2022?

9 Q Correct.

10 A Something in the area of 200 stores, I would say.

11 Q What about in the Buffalo market?

12 A In the Buffalo market? Sorry. I believe it would've been  
13 two -- sorry. Since then now there's ten stores, I believe.  
14 Somewhere close to that.

15 Q So more stores have unionized after the termination of  
16 Cassie Fleischer than before the termination, correct?

17 A Yes.

18 Q You told us earlier that there was an installation of fear  
19 early on by Starbucks officials. Do you recall that testimony?

20 A I do.

21 Q And is isn't it a fact though that not a single Starbucks  
22 official told anyone not to talk about Union activity?

23 A No, that --

24 MS. STANLEY: Objection. Calls for speculation as to what  
25 every Starbucks official told every employee?

1 Q BY MS. POLITO: That you're aware of. That you're aware  
2 of.

3 A Could you repeat the question?

4 Q Sure. You're not aware of any Starbucks official telling  
5 anyone that they could not discuss Union activity while they  
6 were working; is that correct?

7 A That is not correct.

8 Q Who are you -- who are you aware of that told a partner  
9 they cannot discuss Union activity?

10 A One of their support managers, I had testified to this  
11 previously, while we were on the floor, had told us  
12 specifically to not discuss the Union on the floor.

13 Q And who was that support manager?

14 A Her name was Taylor.

15 Q And she -- Taylor Pringle?

16 A No, not Taylor Pringle.

17 Q Taylor -- do you know her last name?

18 A I do not. But there was another Taylor support manager, a  
19 female one, that was in my store.

20 Q So other than Taylor telling you -- she told you  
21 specifically?

22 A She told the whole floor over the headset.

23 Q Okay. So on her headset, she told the floor not to talk  
24 about Union activities, correct?

25 A Correct.

1 Q Anyone else ever tell you during from August 23rd, 2021,  
2 through December 31st, 2021, not to talk about Union activity?

3 A Not specifically Union activity, no.

4 Q And at the listening sessions that you attended, you felt  
5 like you were able to speak up and express your support of the  
6 Union, correct?

7 A I did, personally, yes.

8 Q And no one told you not to, correct?

9 A Correct.

10 Q And in fact, at those listening sessions, you did in fact  
11 speak up and show your Union support, correct?

12 A I did.

13 Q And you also shared your Union support through social  
14 media; is that true?

15 A Yes.

16 Q And you also participated in a labor note conference with  
17 Ms. Brisack, correct?

18 MS. STANLEY: Objection

19 MR. HAYES: Objection. Relevance. Beyond the scope.

20 Q BY MS. POLITO: You can answer.

21 A I did, yes.

22 Q And during the conference, you talked about how you  
23 educated people nationwide about what Starbucks would say to  
24 prevent them from unionizing, correct?

25 A I did.



1 Q And at no time did anyone tell you not to do that,  
2 correct?

3 A Correct.

4 MS. POLITO: Judge, if I could just have two minutes?

5 JUDGE ROSAS: Sure.

6 MS. POLITO: Nothing further, Judge.

7 JUDGE ROSAS: Nothing? Okay.

8 Anything else?

9 MS. STANLEY: No, nothing.

10 JUDGE ROSAS: Charging Party?

11 MR. HAYES: No questions.

12 JUDGE ROSAS: Okay. Thank you.

13 Sir, your testimony is excused -- is completed. Do not  
14 discuss your testimony with anyone until advised by counsel  
15 that the record in the case is closed. All right. Have a good  
16 day.

17 THE WITNESS: Thank you, Your Honor. Have a good day.

18 JUDGE ROSAS: Off the record.

19 (Off the record at 11:30 a.m.)

20 MS. STANLEY: The General Counsel recalls Alexis Rizzo.

21 THE WITNESS: Hi.

22 JUDGE ROSAS: I'll remind the witness, you're still under  
23 oath.

24 //

25 //

1 Whereupon,

2 **ALEXIS RIZZO**

3 having been previously sworn, was called as a witness herein  
4 and was examined and testified as follows:

5 **DIRECT EXAMINATION**

6 Q BY MS. STANLEY: Lexi, what, if any, impact did Starbucks  
7 response to the Union campaign have on organizing efforts at  
8 your store?

9 A I was very -- there's a lot of things. It was a very,  
10 like, widespread impact. At the very beginning of our  
11 campaign, we had, like, within a few days, like 100 percent  
12 Union support. And my whole team was super excited about the  
13 prospect. And then by, like, late October, it had devolved. I  
14 had a number of partners who wanted to leave the store  
15 entirely, transfer, quit. They were all incredibly miserable.

16 Q How do you know that?

17 A Many --

18 Q I'm sorry. What --

19 JUDGE ROSAS: Is this just and proper?

20 MS. STANLEY: Oh, yes. She's being recalled solely for  
21 just and proper.

22 JUDGE ROSAS: Okay. Go ahead.

23 MS. STANLEY: All right.

24 JUDGE ROSAS: Complete your answer.

25 A Sorry. What -- what was your follow-up question?

1 Q BY MS. STANLEY: How did you know people felt that?

2 A Oh, yeah. Through many personal conversations, like, for  
3 just me talking to my partners in the store, as well as in our  
4 store group chat that we had without our store manager in it.  
5 It was a group chat that we had created to, like, disseminate  
6 information about the Union, and that was where a lot of the  
7 less positive conversations occurred, was in the group chat.

8 Q Who specifically brought concerns to you one on one?

9 A John Nieves (phonetic throughout), which is one of my  
10 fellow supervisors. He'd originally signed a letter to Kevin  
11 Johnson with us. But as time went on, he had approached me and  
12 said that he felt like suffocated being in the store with all  
13 the over staffing, and that it was just pure chaos, and that he  
14 felt like we had, like, pardon my language, like, fucked  
15 ourselves over because things had gotten so horrible over the  
16 course of like the few months, and we were losing so much of  
17 our team. So he was very upset to this day. To this day, he's  
18 still kind of -- like, has bittersweet feelings towards  
19 everything because we've lost so much of our team and had so  
20 many things happen to us over the year.

21 Q Who else specifically brought concerns to you?

22 A Patty was another one of my supervisors. She was going  
23 for a promotion up until like a few weeks ago. She wanted to  
24 become an assistant store manager, so she had expressed lots of  
25 concerns to me about just publicly like supporting the Union

1 because she thought it would be detrimental to her ability to  
2 get that promotion, which I was very respectful. She has like  
3 six kids. So we all told her, like, of course, Patty, like if  
4 you feel like it's going to negatively affect your chances,  
5 like you don't have to wear the pin. But she expressed a lot  
6 of concerns about just being supportive of the Union. Now that  
7 she's now got that promotion, it's changed a little bit.

8 I was approached by a lot of my baristas as well. It's  
9 like Madison Baer, her sister, Abigail (phonetic throughout)  
10 were very concerned. Gianna, who is a supervisor now. At the  
11 time she was a barista. She was also grievously concerned.  
12 She put in like a transfer request out of our store that was  
13 denied. As well as JoJo, Jett, Abby, Gianna, Ashley, like a  
14 number of our partners at the end of October were trying to  
15 leave the store.

16 Q Do you know why they were trying to leave the store?

17 A They specifically thought it was because of what had  
18 happened? Since our Union drive had launched, the over  
19 staffing, a lot of the afternoon partners who wanted to leave.  
20 Our store hours were reduced to where we closed at 5 p.m. every  
21 day, and most of them only had like 4:30 to 9:30 availability,  
22 and so they simply didn't have jobs anymore. So a lot of them  
23 had to leave out of necessity because our hours had been  
24 reduced so much. But most of their transfers didn't get  
25 approved anyway, so either they quit or some of them still work

1 with them. But that was a big thing. Allison Wertz was also  
2 another partner who tried to transfer, but it was denied. So  
3 she's no longer with the company, but she just said that it  
4 wasn't the same, like, store. And they said, like, we knew  
5 what it was like before the Union campaign, before all of this  
6 had happened, and we just can't be here anymore and deal with  
7 this anymore.

8 Q Did they say what specific things made them feel that way?

9 A A lot of it was the borrowed partners that we had coming  
10 in from Niagara Falls Boulevard, as well as the support  
11 managers. A lot of my, like, baristas, especially Cindy  
12 (phonetic throughout) and Jojo, felt like those partners were  
13 incredibly, like, mean to them and that it was like a very  
14 cliquy environment where they didn't feel comfortable anymore.  
15 So that was a big deal for them. Just the general work  
16 atmosphere became so pervasively negative that people didn't  
17 enjoy being in the store anymore.

18 Q Were there any aspects of Starbucks response to the  
19 campaign kind of through Buffalo as a whole that had an impact  
20 on your store?

21 A Yeah, well, after they closed down the Walden Galleria,  
22 the kiosk, and then turned the Walden Anderson location into  
23 like a training location, a lot of my partners were approaching  
24 me daily saying, like, are they going to close us next? And  
25 there was just a real fear that our store was going to be

1 closed as well, especially since we're not so busy.

2 Q Who specifically brought that concern to you?

3 A Madison was particularly concerned about that, as well as  
4 Patricia, because she was very, like, business oriented, and  
5 she was trying to get that promotion. So she was like, how is  
6 it going to look for me when our store gets, like, closed down?  
7 So she was worried about that, too.

8 There were other folks as well, but they were very  
9 specifically worried about it. There was also when some like  
10 Union supporters in Buffalo started being separated. Even  
11 until today, this is true. There's a lot of fear. But the  
12 really like vocally supportive partners in my store, that  
13 they're going to walk in any day and just get terminated.

14 Q Who has expressed that fear to you?

15 A Danka. Especially now since she's been put on like a  
16 final warning. Myself. I'm scared pretty much every day that  
17 I go to work that something might happen. RJ is nervous.  
18 Brian is nervous. Basically like the very vocally, like Union  
19 organizers that were supportive. Caroline was worried too.  
20 But then she's no longer with the company, so --

21 Q But did you interact with partners from other parts of the  
22 country?

23 A Yes and no. Not to, like, the same extent that I once  
24 did, but I interacted with them a lot when our store was going  
25 through the bargaining sessions with some of the partners from

1     like Memphis and Arizona, et cetera.

2     Q     Have any of those partners expressed concerns to you based  
3     on what's happened in Buffalo?

4     A     Not necessarily about like Buffalo specifically,  
5     especially since I've mostly talked with the partners that were  
6     members of like the Memphis seven.  They -- they were  
7     expressing concerns to me, like before they were separated,  
8     that something like that may happen.  And then, of course, it  
9     did.  But I wouldn't want to say like anything specifically  
10    about what was going on in Buffalo, since their separations  
11    happened like really early.

12    Q     Okay.

13           MS. STANLEY:  I have nothing further.

14           MR. HAYES:  No questions.

15           JUDGE ROSAS:  Respondent?

16           MS. POLITO:  No questions, Judge.

17           JUDGE ROSAS:  No questions.

18           Okay.  Your testimony is concluded.  Do not discuss your  
19    testimony with anyone until you're advised by counsel that the  
20    record in the case is closed.  All right.

21           THE WITNESS:  Okay.  Thank you.

22           JUDGE ROSAS:  Have a good day.

23           THE WITNESS:  You too.

24           JUDGE ROSAS:  Next witness.

25           MS. STANLEY:  The General Counsel recalls Michelle Eisen.



1 JUDGE ROSAS: I'll remind you, you're still under oath.

2 MS. STANLEY: I think you should sit a little further away  
3 from them mic. I think that's what we've been doing today.

4 Whereupon,

5 **MICHELLE EISEN**

6 having been previously sworn, was called as a witness herein  
7 and was examined and testified as follows:

8 **DIRECT EXAMINATION**

9 Q BY MS. STANLEY: Michelle, how, if at all, did Starbucks  
10 response to the Union organizing effort impact the Union  
11 campaign.

12 A Here in Buffalo?

13 Q Yes.

14 A It slowed it.

15 Q How so?

16 A We had a very -- I think more than half the stores at the  
17 beginning of our Union campaign had significant majorities.  
18 And to date, we have organized less than that number.

19 Q Did anyone tell you about any specific thing that impacted  
20 their support for the Union?

21 A Yeah, there were a couple of things. The first was the  
22 increased management presence pretty close to the onset of the  
23 campaign, particularly the -- the support managers that were  
24 stationed in each of the stores.

25 We had a significant majority at Elmwood from -- from the



1 onset. We were one of the first to file, obviously.

2 And the day we went public, August 23rd of 2021, I was on  
3 the floor and I had handed out pins to all of the people that  
4 had expressed interest and were -- were pro-Union and willing  
5 to sign a card. When those support managers began to be  
6 stationed in our stores, I noticed that those pins were no  
7 longer being worn by most of those partners.

8 Q Did any partners express concerns to you about the support  
9 managers being in the store?

10 A They -- they did. We had conversations about being  
11 targeted, being worried about being targeted. Angela Dudzic  
12 specifically had a pin on initially. One day she wasn't  
13 wearing a pin, and she said that she felt that wearing a pin  
14 that publicly would make her a target of management.

15 Q Were there any specific events throughout Buffalo that you  
16 noticed had an impact on the campaign in the city?

17 A Aside from the increased surveillance of corporate and  
18 management, there was also the closures of the Walden Galleria  
19 kiosk, and the Walden Anderson shut down to become the closed  
20 training facility as well.

21 Q And who expressed concern to you about those things?

22 A One specific person was Erin O'Hare, who was a partner  
23 from the Walden Galleria kiosk. When that was shut down, she  
24 was forced to pick up shifts, kind of make her own schedule.  
25 She wasn't assigned anywhere or transferred anywhere and was

1 scrambling to pick up shifts at other locations. And she did  
2 pick up a couple of shifts at Elmwood. And we had a  
3 conversation -- she also expressed these concerns in one of our  
4 listening sessions with the company at the Elmwood location,  
5 where she had stated that they were at a point where they were  
6 about to file a petition at the Walden Galleria kiosk. There  
7 was a significant majority. And within days of those  
8 conversations happening on the floor, the store was shut down,  
9 and she was essentially just a lost partner floating around.

10 Q Were there any other events throughout Buffalo that people  
11 talked to you about and expressed concern about.

12 A Any other events specifically? The listening sessions did  
13 not help. People were very afraid of going to those listening  
14 sessions.

15 Q How do you know that?

16 A Because I talked to these partners. I drove a lot of  
17 these partners to and from these listening sessions. Angela  
18 Dudzic didn't drive, so I gave her rides to and from these  
19 listening sessions. Leyla Gentil didn't drive, so I gave her  
20 rides to and from these listening sessions. And there were a  
21 lot of nerves. There were a lot of -- Angela was brought to  
22 tears on more than one occasion from having to sit through  
23 these sessions. She never put that Union pin back on after she  
24 took it off from the beginning of the campaign. It was -- it  
25 was very clear that this was affecting people's mental health,

1 and in some cases, people's physical health.

2 Q Did you notice any impact on the filing of petitions?

3 A I did. So specifically the Transit Commons location.

4 They had filed, along with Walden Anderson, I believe, about a  
5 week after the first three petitions were filed on August 30th  
6 and decided to withdraw those petitions in order not to start  
7 the clock over on the first three petitions.

8 I was -- worked very closely with Michael Sanabria at  
9 Transit Commons, and the plan was to refile both of those  
10 petitions as soon as the decision from our case came down so  
11 that the clock would restart.

12 And we waited -- I believe our -- our decision came down  
13 on October 28th of 2021, and I touched base with Michael to see  
14 if they were ready to refile that petition. And he had said  
15 that they had lost such a significant majority and a level of  
16 support at that store, based on a lot of what was going on with  
17 the support manager specifically, but also having lost their  
18 store manager, what their store manager was being put through,  
19 that they no longer had that majority and were not able to  
20 refile.

21 Q Did there come a time when they refiled?

22 A They did eventually refile. They -- he had to organize  
23 that store basically from scratch. I don't think they refiled  
24 until March -- late March or early April of 2022.

25 Q Do you recall any other Elmwood partners who expressed



1 concern to you or whose interactions with you changed over the  
2 course of the campaign?

3 A Yes, one particular partner, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was one of  
4 the (b) (6), (b) (7)(C) partners at Elmwood, just a (b) (6), (b) (7)(C) at  
5 the start of the campaign. (b) (6), (b) (7)(C) been very vocally pro-Union  
6 in our GroupMe organizing chat, as well as like a group text  
7 chain that we had set up to talk about information regarding  
8 the Union. And because (b) (6), (b) (7)(C) was so (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) was also sought  
9 after by a lot of media. There was a lot of media reaching out  
10 to do interviews about Gen Z organizing, and (b) (6), (b) (7)(C) was very  
11 excited to do that and participated in a lot of those  
12 interviews.

13 And then all of a sudden that fell off. I don't have an  
14 exact date. It was before the Elmwood vote count. But getting  
15 close to that vote count, we had a lot of media reaching out,  
16 wanting to set up interviews for around that time, and a lot of  
17 them would -- would request certain partners who they'd seen  
18 interviews with previously. And (b) (6), (b) (7)(C) was one of them. And  
19 when we would reach out to see if (b) (6), (b) (7)(C) would like to set up an  
20 interview or talk to this reporter, (b) (6), (b) (7)(C) just stopped. (b) (6), (b) (7)(C)  
21 stopped responding, did not follow up, wasn't wearing a pin any  
22 longer. And I didn't push it because (b) (6), (b) (7)(C) was young, and I  
23 didn't want to -- I didn't want to make things more difficult  
24 for (b) (6), (b) (7)(C)

25 But months later, we were able to connect. (b) (6), (b) (7)(C) was -- (b) (6), (b) (7)(C)



1 schedules and -- my schedule and (b) (6), (b) (7)(C) did not line up. (b) (6), (b) (7)(C) was  
2 a (b) (6), (b) (7)(C), so she worked evenings and weekends, and  
3 I worked primarily mornings during the week. But at some  
4 point, months later, we were able to connect, and (b) (6), (b) (7)(C)  
5 apologized to me for -- for falling off the grid, explained  
6 that (b) (6), (b) (7)(C) was feeling a lot of pressure, that it was scary, that  
7 (b) (6), (b) (7)(C) was worried about being targeted because (b) (6), (b) (7)(C) had done so  
8 much media at the beginning. And I told (b) (6), (b) (7)(C) that it was okay,  
9 that I understood.

10 Q Did (b) (6), (b) (7)(C) say what was -- what was scary or what the  
11 pressure was from?

12 A Specifically, it was the managerial presence within the  
13 stores. There was never a point in Elmwood where there wasn't  
14 either our store manager or a support manager.

15 The higher level corporate seemed to also come in later in  
16 the day, in the evenings, not so much during the morning. And  
17 so they were often contending with people like Rossann Williams  
18 or Allyson Peck, or Deanna Pusatier in the evening, where we  
19 weren't necessarily always dealing with that in the morning  
20 shifts.

21 Q Michelle, do you have interactions with partners from  
22 other parts of the country?

23 A I do, yes.

24 Q How, if at all, has Starbucks response to the campaign in  
25 Buffalo impacted campaigns across the country?

1     A     I mean, initially, it controlled the entire narrative. So  
2     everything that was happening in Buffalo was being talked about  
3     with partners across the country.

4           Specifically, for me, I had to deal with the fallout of  
5     terminations and the firings here in Buffalo that started here  
6     in Buffalo. I was organizing a store in Mililani, Hawaii,  
7     during the time period -- their petitioning period was the time  
8     period of the firings, when those terminations began. We would  
9     have weekly committee meetings via Zoom. And the one that  
10    happened a couple of days after Cassie's story broke, a couple  
11    of the leaders there had expressed concern because they were a  
12    store that was sitting at a majority.

13           And when those -- when the media broke about those  
14    firings, they were approached by a lot of their partners saying  
15    that they weren't sure if they should go through with this.  
16    Cassie specifically, because it was based on an availability  
17    issue that hadn't existed within the company previously. And a  
18    lot of partners fell within that availability. I mean, a lot  
19    of us are part-time employees. That's the draw of the -- the  
20    company. And a lot of them fell into that category.

21           And so their concern was that, you know, what if I'm told  
22    to increase my availability, and I can't, so I'm fired. And so  
23    they had to combat that in their store. And they were looking  
24    to me to get as much information about how that happened so  
25    that they could kind of dispel that fear.

1 Q Did partners from other parts of the country express  
2 concern over anything other than Cassie's firing?

3 A I mean, there is the concern about the -- the initial  
4 increase in manager presence and surveillance. The store in  
5 Mililani also had that. They had a district manager who, like  
6 our previous district manager who is here, they didn't see very  
7 often. And then all of a sudden, this district manager was in  
8 their stores very regularly, if not behind the counter, then in  
9 the back room, talking to the store manager or sitting in the  
10 cafe watching them while they worked. And so there were a lot  
11 of, you know -- it's -- it's hard -- that's a hard job to do to  
12 begin with. It's a lot harder to do under a microscope.

13 Q And how do you know that their district manager's presence  
14 in the store increased?

15 A We had weekly meetings where I would ask what was going on  
16 in the store, if there was any questions I could answer. What  
17 had changed since they filed their petition? And that was the  
18 first change that they noted.

19 MS. STANLEY: I have nothing further.

20 MR. HAYES: No questions.

21 JUDGE ROSAS: Respondent?

22 **CROSS-EXAMINATION**

23 Q BY MS. POLITO: Good morning, Ms. Eisen.

24 A Good morning.

25 Q You indicated that the arrival of corporate officials from

1 Starbucks slowed the Union activity but didn't stop it; is that  
2 correct?

3 A That is correct, yes.

4 Q And at the Elmwood store that you were at, you indicated  
5 that after August 23rd, 2021, there was an influx of support  
6 store managers and other executives at the store, correct?

7 A Yes. Correct.

8 Q And they were there almost on a daily basis?

9 A They were, yes.

10 Q And there were listening sessions held for the employees  
11 at the Elmwood store, correct?

12 A Correct. Yes.

13 Q And despite all that presence, in December, Elmwood voted  
14 to unionize, correct?

15 A We did, yes.

16 Q So we were able to effectively communicate the benefits of  
17 being Union organized during that time period, correct?

18 A In spite of the Company's behavior, yes.

19 Q But you were able to do it, correct, because you won the  
20 vote?

21 A We did win the vote, yes.

22 Q And that was a form -- the form of communication that you  
23 used to convince the partners to organize were through weekly  
24 meeting, GroupMe chats, and text messages; is that correct?

25 A I did not have weekly meetings with this -- with the



1 members of Elmwood, but we used a GroupMe for the city, and  
2 then I had a store chat as well, yes.

3 Q Did those GroupMes have any specific name associated with  
4 them?

5 MR. HAYES: Objection. Relevance.

6 A I think the Buffalo one was called Buffalo Organizing  
7 Committee.

8 Q BY MS. POLITO: Would the Elmwood one have been called  
9 Elmwood Organizing Committee?

10 A That was just a text message chain, so it didn't have a  
11 name.

12 Q Okay. So the GroupMe was for the Buffalo-wide market?

13 A Yes.

14 Q And the Elmwood was just a text chain?

15 A Correct.

16 Q And how did you get the text messages -- or how did you  
17 get the text numbers of the partners to create that text chain?

18 A Most of them I already had in my phone. We'd been working  
19 together for years, so I had coworkers phone numbers. If it  
20 was a coworker whose phone number I didn't have, I simply asked  
21 them for it.

22 Q And did you ask new partners for their phone number to add  
23 them to that text chain?

24 MR. HAYES: Objection. Relevance and beyond the scope.

25 A I asked them if they would like to be added to it, yes.

1 Q BY MS. POLITO: And did you -- and would you only add them  
2 to the text chain if they agreed to be included in the text  
3 chain?

4 A Yes. I wouldn't have added them if they didn't want to.

5 Q When you talked about Angela being driven to tears at one  
6 of the listening sessions; do you remember that testimony?

7 A I do, yes.

8 Q Isn't it true that at all of the listening session there  
9 was a member of the Union organizing committee present -- I'm  
10 asking about the one that you attended, specifically, to talk  
11 about the benefits of forming a Union.

12 A I mean, if you're referring to myself at these meetings,  
13 I'm assuming I would be that representative. I was there to  
14 respond to any of the Company's accusations that talked against  
15 the Union. I didn't go in with anything -- I didn't know what  
16 they were going to talk about, so I couldn't have prepared  
17 anything. I went in there knowing that if they were going to  
18 talk against the Union, and I had information to counter that,  
19 that I was going to be willing to speak up, yes.

20 Q And you did that -- you, yourself did that at the  
21 listening sessions that you attended, correct?

22 A I did, yes.

23 Q And at that time, you were not working for the Union?

24 A I was not, no.

25 Q You didn't start working for the Union until 2022; is that

1 right?

2 MR. HAYES: Objection. Relevance. Beyond the scope.

3 A February of 2022.

4 Q BY MS. POLITO: February of 2022. Of the individuals that  
5 you named earlier that you described as having some concerns  
6 about the Union activity, are you aware of whether or not any  
7 of them have been asked to come in to testify on behalf of the  
8 Union and have declined that?

9 MR. HAYES: Same objections.

10 A I am not aware.

11 Q BY MS. POLITO: Is that something you would be involved  
12 in, or someone else?

13 MR. HAYES: Same objections.

14 A Is it something I would be involved in -- I'm sorry --

15 Q BY MS. POLITO: In terms of asking -- would you have any  
16 role in asking any of the individuals that you just named  
17 whether or not they would come in and provide testimony on  
18 behalf of the Union?

19 A No, I was not involved in any of that.

20 Q With respect to social media surrounding firings, isn't it  
21 true that the Union is the one that posted Cassie Fleischer's  
22 termination or alleged termination on February 20th, 2022?

23 MR. HAYES: Objection. Relevance and beyond the scope.  
24 Counsel is also interrogating about Section 7 activity.

25 A I'm actually not aware. I -- I'm friends with Cassie as



1 an individual, so the first time I saw it, it was posted from  
2 her personal account. The only other posting I remember seeing  
3 specifically came from a media outlet which was more perfect to  
4 Union and was not -- it was posted from their account, not from  
5 our account.

6 Q BY MS. POLITO: You testified earlier that after Cassie's  
7 story broke, that there was some concern with respect to her  
8 termination. Do you remember that testimony?

9 A I do, yes.

10 Q And Cassie's story breaking had nothing to do with  
11 Starbucks, correct?

12 A I mean, aside from the fact that they were the ones that  
13 terminated her. I mean --

14 Q Right.

15 A -- I wouldn't say that that was their fault.

16 Q They terminated her. Correct.

17 A Correct. Yes.

18 Q But they didn't post it on any national media outlet,  
19 correct?

20 A Not that I'm aware of, no.

21 Q So people in Hawaii would not have known about Cassie  
22 Fleischer's termination, but for Cassie posting it herself, or  
23 More Perfect Union posting it on social media, correct?

24 MR. HAYES: Same objections.

25 A I -- I assume that's correct.

1 MS. POLITO: Can we have two minutes, Judge?

2 Nothing further, Judge.

3 JUDGE ROSAS: Anything else?

4 MS. STANLEY: Just briefly.

5 **REDIRECT EXAMINATION**

6 Q BY MS. STANLEY: Michelle, are you aware of whether  
7 Starbucks posted about Cassie's firing on Partner Hub?

8 A There was a posting that came out after her -- on the  
9 Partner Hub after that audio recording of her was made public.  
10 by More Perfect Union, yes.

11 Q Do you know what stores Partner Hub is disseminated to?

12 A All of them, as far as I'm aware.

13 MS. STANLEY: Nothing further.

14 MR. HAYES: No questions.

15 **RECROSS-EXAMINATION**

16 Q BY MS. POLITO: With respect to Partner Hub, you have to  
17 be an employee of Starbucks to have access to that, correct?

18 A I don't believe you can access it outside of being an  
19 employee, no.

20 Q So yes, you have to be an employee to access it, correct?

21 A Yes.

22 MS. POLITO: Nothing further.

23 MS. STANLEY: I have nothing.

24 MR. HAYES: No questions.

25 JUDGE ROSAS: Thank you. Your testimony has concluded.



1 Do not discuss your testimony with anyone until you're advised  
2 by counsel that the record in the case is closed, or otherwise  
3 consulted at table, okay?

4 THE WITNESS: Yes.

5 MS. STANLEY: All right. We have two more just and proper  
6 witnesses, and one more, like, regular person, who I think will  
7 take about an hour. So I think even with the short lunch  
8 break, I think we'll be done before 4 o'clock, as you've  
9 indicated we had to. Yeah. But you're confident --

10 JUDGE ROSAS: Off the record.

11 (Off the record at 12:03 p.m.)

12 JUDGE ROSAS: General Counsel, next witness?

13 MS. CACACCIO: This is Kai Hunter, recall witness.

14 JUDGE ROSAS: Oh. For just and proper?

15 MS. CACACCIO: Yes, Judge.

16 JUDGE ROSAS: All right. I'll remind you, you're still  
17 under oath.

18 THE WITNESS: Okay.

19 MS. CACACCIO: And this witness is being presented for the  
20 just and proper, which I sort of said, but I'm making it clear.  
21 Good afternoon, Kai.

22 THE WITNESS: Good afternoon.

23 MS. CACACCIO: Can you just say something into the mic so  
24 we can make sure we can make sure the sound is right?

25 THE WITNESS: Can you hear me?

1 MS. CACACCIO: Does that work?

2 THE COURT REPORTER: It's not too bad.

3 MS. CACACCIO: Could you step back a little bit from the  
4 mic?

5 THE WITNESS: Is this better?

6 MS. CACACCIO: Could you say that again?

7 THE WITNESS: Is this better?

8 THE COURT REPORTER: Yeah.

9 MS. CACACCIO: Better.

10 THE WITNESS: Okay.

11 MS. CACACCIO: Thank you.

12 THE WITNESS: Cool.

13 THE COURT REPORTER: She's going to have to state and  
14 spell her name one more time.

15 MS. CACACCIO: Okay. Can you state and spell your name  
16 for the record?

17 THE WITNESS: Yeah. First name is Kai. It's Kai Hunter.  
18 K, as in Kevin, A-I. And then the last name, Hunter, is H-U-N,  
19 as in Nathan, T-E-R.  
20 Whereupon,

21 **KAI HUNTER**

22 having been previously sworn, was called as a witness herein  
23 and was examined and testified as follows:

24 MS. POLITO: Please note our continuing objection to  
25 witnesses regarding chill evidence.

**DIRECT EXAMINATION**

1

2 Q BY MS. CACACCIO: What, if any, impact did the Employer's  
3 response to the Union activity in Buffalo have on the campaign  
4 in your store?

5 A The Employer's response to the Union campaign in Buffalo  
6 slowed, if not completely stopped, the campaign at my store.

7 Q And why do you say that?

8 A Before Starbucks had begun doing what they were, our --  
9 our campaign was okay, but fellow partners at my store began to  
10 feel uncomfortable showing public Union support.

11 Q And when you say when "Starbucks started doing what they  
12 were doing", what are you talking about?

13 A Things like different types of retaliations and  
14 enforcements of policies they weren't previously, like dress  
15 code policy vi -- discussions or violations, final warnings,  
16 firings of employees.

17 Q Did you have any fears?

18 A I was definitely nervous to show my Union support once  
19 they had started changing the way that they were enforcing  
20 policy at our stores.

21 Q And what made you afraid?

22 A Seeing other people from other stores in the district get  
23 write ups or retaliations, like -- such as Cassie from the  
24 Elmwood location getting terminated.

25 Q Were there any other disciplines or terminations that made





1     you afraid that you were aware of?

2     A     Yeah. There was a partner at the Sheridan-Bailey store,  
3     first name was Danny, I'm unsure of what his last name is right  
4     now, was terminated. He was someone who was previously very  
5     vocal about his Union support. A different partner at  
6     Sheridan-Bailey named James, his last name also escapes me  
7     right now, also had received, like, some final warnings from  
8     his previous Union support.

9     Q     What, if any, impact did the presence of support managers  
10    and upper lev -- upper level managers have on the organization  
11    efforts in your store?

12   A     The support managers and upper level managers being in our  
13   store made us uncomfortable to talk about unions publicly, and  
14   it made us uncomfortable to talk about anything that wasn't  
15   immediately pertaining to work.

16   Q     Did you ever talk with anyone from your store about  
17   concerns they had supporting the Union?

18   A     I did, yes.

19   Q     Who did you speak to?

20   A     I spoke to a fellow partner at my store named (b) (6), (b) (7)(C)

21   ██████████

22   Q     Can you spell that last name for us?

23   A     (b) (6), (b) (7)(C) as in (b) (6), (b) (7)(C)

24   Q     And how did you have this conversation with (b) (6), (b) (7)(C)

25   A     The conversation had started over text, but quickly



1 switched to a phone-based conversation, just because it was  
2 easier to have a verbal discussion.

3 Q Did you -- do you still have those texts?

4 A I do not.

5 Q Why not?

6 A I think they're from back in sometime around February, and  
7 I've just deleted them because of the amount of time passed.

8 Q Do you remember about when you deleted those texts?

9 A Probably about two weeks or so after. I try to go through  
10 my messages pretty regularly.

11 Q Why do you do that?

12 A Just organizational. It's my personality, I think.

13 Q Can you tell me about the conversation that you had with

14 (b) (6), (b) (7)(C)

15 A Yeah. So we -- I had texted (b) (6), (b) (7)(C) and had asked (b) (6), (b) (7)(C)  
16 essentially, I said, hi, (b) (6), (b) (7)(C) I -- I know we've talked in  
17 person about your previous Union support, your vocal Union  
18 support, I was wondering if you would possibly be interested in  
19 signing a card saying that you'd like to petition for Union  
20 representation. And I was like, I under -- I understand we've  
21 had these discussions a little bit before, and I know you might  
22 be a little bit nervous about signing a card, so I just wanted  
23 to see if there's maybe anything you might have had questions  
24 or concerns about that I might be able to either ease those  
25 anxieties or get you an answer.

1 Q Did (b) (6), (b) (7)(C) respond?

2 A (b) (6), (b) (7)(C) did. (b) (6), (b) (7)(C) had told me that (b) (6), (b) (7)(C) was vocally supportive  
3 of the Union effort in the store, and really liked, kind of,  
4 watching myself and the other people on my store's organizing  
5 committee organize, and (b) (6), (b) (7)(C) really believed in what we were  
6 doing. However, (b) (6), (b) (7)(C) was afraid, because (b) (6), (b) (7)(C) was just  
7 (b) (6), (b) (7)(C) and just starting (b) (6), (b) (7)(C) that (b) (6), (b) (7)(C)  
8 that if (b) (6), (b) (7)(C) signed the Union card, (b) (6), (b) (7)(C) was going to be  
9 retaliated against or fired.

10 Q Did (b) (6), (b) (7)(C) tell you why (b) (6), (b) (7)(C) thought that?

11 A (b) (6), (b) (7)(C) said (b) (6), (b) (7)(C) felt that way because (b) (6), (b) (7)(C) had just recently  
12 seen about Cassie getting terminated from Elmwood. I think (b) (6), (b) (7)(C)  
13 termination clip went viral on the internet at that point, so  
14 (b) (6), (b) (7)(C) had known about it.

15 Q Was that the end of the conversation?

16 A It was -- it was mostly the end of the conversation. I  
17 told (b) (6), (b) (7)(C) that I understood that (b) (6), (b) (7)(C) would be. I understood why  
18 (b) (6), (b) (7)(C) felt anxious, and I couldn't promise that (b) (6), (b) (7)(C) wouldn't get  
19 in trouble, but I could promise that I would take care of (b) (6), (b) (7)(C)  
20 in the event that, like, something did happen. And I told (b) (6), (b) (7)(C)  
21 I totally understood if (b) (6), (b) (7)(C) didn't want to sign a Union card.  
22 There was no hard feelings, and if (b) (6), (b) (7)(C) ever did change (b) (6), (b) (7)(C)  
23 mind, I was always there.

24 Q What is (b) (6), (b) (7)(C)

25 A (b) (6), (b) (7)(C) is (b) (6), (b) (7)(C) .

1 Q And how does that relate to Starbucks?

2 A (b) (6), (b) (7)(C) is a (b) (6), (b) (7)(C) that Starbucks has  
3 partnered with. They offer (b) (6), (b) (7)(C)

4 .

5 Q Did your store ever end up having enough support to file a  
6 petition for an election?

7 A No, it did not.

8 Q I have no further questions for this witness at this time.

9 MR. HAYES: No questions.

10 JUDGE ROSAS: Respondent?

11 **CROSS-EXAMINATION**

12 Q BY MS. POLITO: You testified that you had a conversation  
13 via text with (b) (6), (b) (7)(C) is that correct?

14 A It started as a text conversation, but the bulk of our  
15 conversation was a phone conversation.

16 Q And you deleted that text message?

17 A I did.

18 Q Do you have any text messages with anyone else at your  
19 store?

20 A Not that I can recall, no.

21 Q And you testified that after Cassie was terminated, that  
22 had an impact on some members in your store?

23 A I did.

24 Q Do you know when Cassie was terminated?

25 A I might not have the exact date offhand. It was sometime,



1 I think, around February, early March.

2 Q Of 2022?

3 A Of 2022, yes.

4 Q And by that time, were you aware that other stores in the  
5 Buffalo market had already voted to unionize?

6 A I was.

7 Q And how many had?

8 A I actually can't remember offhand. I think at least two  
9 had won a Union election at this point.

10 Q And you also talked about the fact that the changing of  
11 enforcement of policies had an impact on the employees in your  
12 store; is that correct?

13 A That is correct.

14 Q And with respect to the changing of the enforcement of  
15 policies, isn't it a fact that the managers sat down with the  
16 employees and re-introduced the dress code and time and  
17 attendance policy to everyone, correct?

18 A I'm sorry. I had just a little trouble understanding the  
19 question.

20 Q No problem. With respect to the change in policies, isn't  
21 it true that the managers at the store sat down with the  
22 partners at the store and reinforced the dress code and time  
23 and attendance policy?

24 A I think at some point, yes.

25 Q And they had the partners at the store sign the dress code

1 and time and attendance policy, correct?

2 A I believe I signed something like that in October of 2021.

3 Q And then after that, the managers gave the partners in the  
4 store notice of the new -- that they would be enforcing the  
5 dress code policy, correct?

6 A They did.

7 Q And likewise, they also gave notice that they would be  
8 enforcing the time and attendance policy, correct?

9 A They did.

10 Q At that point in time, were you aware of any terminations,  
11 and I'm talking about October of 2021, of any Union supporters?

12 A In October of 2021? Not that I can recall.

13 Q So when you said that there was a concern regarding firing  
14 of employees, that would have been after Cassie announced that  
15 she was fired from Starbucks, correct?

16 A That's correct.

17 MS. POLITO: Nothing further.

18 MS. CACACCIO: Nothing further, Judge.

19 MR. HAYES: No questions.

20 JUDGE ROSAS: Your testimony is concluded. Do not discuss  
21 your testimony with anyone until your advised otherwise by  
22 counsel, okay?

23 THE WITNESS: You gotcha.

24 JUDGE ROSAS: Have a good day.

25 THE WITNESS: Thank you. You, too.



1 MS. CACACCIO: I have a timing update, Judge, if you'd  
2 like to hear that.

3 JUDGE ROSAS: What's that?

4 MS. CACACCIO: I -- just a timing update. I know we've  
5 got one more short witness now, and then the next witness gets  
6 out of work at 1:30. She's coming directly here from there.

7 Our witness is here. I just don't know where she went, so  
8 I got to go find her.

9 THE COURT REPORTER: Do you want to go off the record?

10 JUDGE ROSAS: Sure.

11 (Off the record at 12:43 p.m.)

12 JUDGE ROSAS: Next witness?

13 MS. CACACCIO: Yes, Judge. This is Angel Krempa. It's a  
14 recall witness for just just and proper stuff.

15 JUDGE ROSAS: A reminder you're still under oath.

16 THE WITNESS: All right.

17 MS. POLITO: Please note our continued objection with  
18 regard to this line of questioning.

19 MS. CACACCIO: Can you, just for the record, state and  
20 spell your name for us?

21 THE WITNESS: Yes. Angel Krem --

22 MS. CACACCIO: Okay. Hang on. Back up a little bit.  
23 That's why we're doing it. We're testing sound. We changed  
24 the mic system since you were here last. Go ahead.

25 THE WITNESS: Is this okay?

1 MS. CACACCIO: Is that better?

2 THE COURT REPORTER: Yep.

3 MS. CACACCIO: Okay. State and spell your name for us.

4 THE WITNESS: Angel Krempa, A-N-G-E-L, K-R-E-M-P-A.

5 Whereupon,

6 **ANGEL KREMPA**

7 having been previously sworn, was called as a witness herein  
8 and was examined and testified as follows:

9 **DIRECT EXAMINATION**

10 Q BY MS. CACACCIO: Angel, what, if any, impact did the  
11 Employer's response to the Union activity in Buffalo have on  
12 the campaign in your store?

13 A There was a negative impact on the campaign in my store.

14 Q Can you tell us how?

15 A A lot of people were fearful of retaliation by the  
16 Employer, and some of us were retaliated against.

17 Q Did you notice anyone's support for the Union change  
18 during the campaign?

19 A Yes.

20 Q What did you notice?

21 A I noticed a few folks who were fully supportive become  
22 nonsupportive of the effort.

23 Q Do you have any specific examples?

24 A I have two that I can think of.

25 Q And what are those?





- 1     A     The first one would be with my coworker, Kelsey Gramz.
- 2     Q     Okay. And what's the second one?
- 3     A     With my other coworker, Sal Giangreco, and I can't
- 4     remember the last of his last name.
- 5     Q     What do you mean by that?
- 6     A     He has a hyphenated last name.
- 7     Q     So let's start with Kelsey. Who is Kelsey?
- 8     A     Kelsey is a barista, who I believe still currently works
- 9     at the Depew location.
- 10    Q     When did you speak with Kelsey?
- 11    A     On numerous occasions. The one that I'm referring to, I
- 12    believe this was around December.
- 13    Q     Okay. And why do you believe that Kelsey's Union support
- 14    changed?
- 15    A     She used to wear a pin all the time, and she would
- 16    actively engage in Union conversation, and then she stopped
- 17    wearing her pin, and didn't engage at all.
- 18    Q     Did you talk to her at all about that?
- 19    A     I did.
- 20    Q     And when did you do that?
- 21    A     Around this December time.
- 22    Q     And what -- what was happening at that time?
- 23    A     Around this time was when we had filed our petition in
- 24    court with the NLRB for our -- our ballots, and it was also the
- 25    same time that I had been given a write up.

1 Q And when did you talk to Kelsey?

2 A Probably after that write up.

3 Q And --

4 A I can't remember the exact day.

5 Q And what happened in that conversation?

6 A I was kind of like just checking in on her, because I  
7 noticed she wasn't wearing the pin anymore, and I was like,  
8 hey, everything okay? Anything I can help you with? And she  
9 was like, no, everything's fine. And I was like, well, do you  
10 want to discuss? And she became very dismissive over the  
11 conversation.

12 Q And prior to that, how were your conversations with her?

13 A They were very informative. She was very engaged in the  
14 conversation, but continuously asked questions back, and want  
15 to garner her own information for herself to make her own  
16 opinion.

17 Q You also mentioned someone named Sal. Who is that?

18 A He is another barista that I believe still works at the  
19 Depew location.

20 Q And when did you speak with Sal?

21 A I believe my conversation that I'm referring to with him  
22 was around -- around, like, late November, December.

23 Q And what did you talk to Sal about?

24 A It was about change in, kind of like our relationship.

25 And I noticed that it was more so strained whenever, like, the



1 Union was brought up.

2 Q And so what did you talk about?

3 A Just wanted to know if he had any other questions, because  
4 he used to ask questions. He used to want to garner more  
5 information for himself. And I was asking, you know, can I  
6 answer any more questions for you? And he was like, no, I'm --  
7 I'm okay. I don't need to know anything else.

8 Q What, if anything, do you know about his Union support  
9 after that conversation?

10 A He was not in support of the Union. I know he was trying,  
11 like, with one of my coworkers, Emily Lichtenthal, who was on  
12 an anti-Union committee, which I believe he ended up joining as  
13 well.

14 Q Were there any specific events that you noticed or learned  
15 had an impact on the campaign?

16 A Yes.

17 Q What were those?

18 A The retaliation against myself and Minwoo Park.

19 Q Did anyone ever specifically discuss with you the impact  
20 that the captive audience meetings had on them?

21 A Yes.

22 MS. POLITO: Objection.

23 Q BY MS. CACACCIO: What did you hear about the captive  
24 audience meetings?

25 MS. POLITO: Objection.

1 Q BY MS. CACACCIO: Go ahead.

2 A The -- the captive audience meetings, there was a lot of  
3 confusion with them. And these coworkers -- my coworkers, my  
4 apologies, they were just really concerned about the  
5 information that they were being given, because some of them  
6 did have a background with unions before, and they were like,  
7 what is this information? Because I've never heard of it  
8 before.

9 Q And did anyone talk to you about their fears after having  
10 attended these meetings?

11 A Yes.

12 Q What did they tell you?

13 A They were like, I don't feel comfortable, honestly, being  
14 public with my support for the Union.

15 Q Did they tell you why?

16 A A lot because at that same time these captive audience  
17 meetings were occurring, Minwoo and myself were being  
18 disciplined routinely by the support managers, so they saw both  
19 of them coinciding with each other.

20 Q What did you hear from your coworkers about -- if  
21 anything, about one-on-one meetings that they were having with  
22 management?

23 A Some people were much more uncomfortable with them. One  
24 in particular is (b) (6), (b) (7)(C) (phonetic throughout). (b) (6), (b) (7)(C) is  
25 a (b) (6), (b) (7)(C) at my store, and (b) (6), (b) (7)(C) was pulled in to work over an hour

1 before (b) (6), (b) (7)(C) schedule multiple times to have conversations,  
2 either in a one-on-one meeting with the support manager,  
3 Tiffany, or a two-on-one with her and my manager, Melissa  
4 Garcia, and (b) (6), (b) (7)(C) left those meetings very confused, as both of  
5 (b) (6), (b) (7)(C) were Union members, and (b) (6), (b) (7)(C) was being given false  
6 information. And (b) (6), (b) (7)(C) was very concerned about how (b) (6), (b) (7)(C) was  
7 going to support the Union within the store because (b) (6), (b) (7)(C) wasn't  
8 sure how to trust information yet.

9 Q You mentioned that another issue that you'd heard from  
10 folks was about discipline, the disciplines and terminations of  
11 yourself and Minwoo. What did you hear about that issue?

12 A There was a lot of fear that people had that they would  
13 express. They were scared to speak up because they saw the two  
14 people speaking up being torn down by their managers.

15 Q Did you ever express your own fears about being terminated  
16 for Union support to anyone prior to your termination?

17 A Yes.

18 Q And who'd you speak to?

19 A Honestly, anybody close to me in my life. My friends, my  
20 family, my coworkers.

21 Q Were you afraid about -- well, so were you actually --  
22 were you afraid about being -- let me rephrase that. Were you  
23 afraid of being terminated for your support for the Union prior  
24 to your termination?

25 A Yes.

1 Q Why?

2 A Well, I can't support myself with no income, so that's a  
3 fear that was very big in my mind, as well as just because of  
4 the tactics that they were using, my mental health was  
5 depleting, so I wasn't really, like, thinking completely  
6 straight sometimes. So it was just like, I can't -- I won't be  
7 able to afford to live, nor will I be able to live, because I  
8 can't keep my mental health in check anymore.

9 Q Why did you think that you might be fired?

10 A Well, there was a -- in December of 2021, I was given a  
11 write up right after I had testified with the NLRB to get the  
12 petition. And that was, like, the first instance where I was  
13 like, okay, they're really kind of gunning for me.

14 And then it was just the constant badgering, where it was  
15 just like, how am I doing everything wrong but everything right  
16 at the same time? And it was just like, if they're going to  
17 keep saying everything's wrong, I'm just going to get fired.  
18 And it was just, again, when I got a -- a write up after my  
19 final written warning, it was just like, they're just going to  
20 do anything to break me down and try and build their own case  
21 to fire me. So it was just, like, these constant support  
22 managers being around and letting me know that like, I'm doing  
23 good and I'm not doing good all at the same time. And it was  
24 just like, thi -- this is just them trying to get me to break  
25 and either quit, or for them to fire me.

1 Q What impact, if any, did the presence of the support  
2 managers have on the organization efforts in your store?

3 A A negative impact.

4 Q Can you tell us how?

5 A As the support managers were constantly around, they also  
6 let us know that we can't be having normal conversations on the  
7 floor anymore. That was a conversation that I believe Tiffany  
8 Mann begun with us as baristas, where we were talking about our  
9 days too much, and not paying attention to the customers, even  
10 though we were paying attention to the customers.

11 So they were constantly listening, and when we can't even  
12 talk about just a normal day that we're having, it instilled  
13 fear that we can't even talk about organizing a Union within  
14 our workplace, because they're constantly listening in and  
15 constantly telling us what we can and cannot talk about.

16 Q Do you know what the Union activity's like in the Depew  
17 store now?

18 A It's --

19 Q Do --

20 A -- there's, like, no Union activity happening.

21 Q How do you know that?

22 A I'm still friends with my coworkers, and they tell me.

23 Q Have you been to the store at all yourself?

24 A I think once.

25 Q And what have you seen?

1 A No Union support pins being worn by anybody. It was a  
2 very quiet moment when I was in there. It didn't feel very  
3 lively.

4 MS. CACACCIO: I have no further questions for this  
5 witness at this time.

6 THE WITNESS: No questions.

7 JUDGE ROSAS: Respondent?

8 **CROSS-EXAMINATION**

9 Q BY MS. POLITO: So you went to the Depew on one occasion  
10 and didn't notice any Union pins; is that correct?

11 A Yes.

12 Q And you said that the Starbucks tactics instilled fear,  
13 correct?

14 A Yes.

15 Q What tactics are you referring to?

16 A It was the mismanaging the schedule, to which some of us  
17 were working on a play -- a shift where there were less people  
18 than needed to operate at full capacity like Starbucks wants us  
19 to. So as we're working four -- as one person's doing the job  
20 of four peoples, it kind of like breaks down the mental  
21 capacity for them to be able to think straight, as well as when  
22 they were messing with our schedules and having us open, and  
23 then close, and then mid. Science shows that when you're  
24 messing with someone's sleep schedule, it also messes with  
25 their mental state, so that they become fearful.



1 Q So you think that Starbucks intentionally mismanaged your  
2 schedule to prevent you from engaging in Union activities?

3 A Correct.

4 Q You also testified that they were "constantly telling us  
5 what we can and cannot talk about". Who was constantly telling  
6 you what you can and cannot talk about?

7 A At that time, it would have been Tiffany Mann, Jack  
8 Morton, and Taylor Alvarez.

9 Q At what time are referring to?

10 A During the Union campaign.

11 Q Which is when?

12 A That was from September of 2021 to currently.

13 Q What did Tiffany Mann tell you you could not talk about?

14 A We needed to keep our talking on private matters down, if  
15 not talking about them at all. This is a workplace, that we  
16 need to be speaking about work.

17 Q Did she specifically tell you you couldn't talk about  
18 Union activities?

19 A The idea that we couldn't even talk about who we are or  
20 what we are instilled in us that we could not talk about Union  
21 activities, since they're related with one another.

22 Q That wasn't my question, though. Did she specifically  
23 tell you you could not talk about Union activities?

24 A Not that I can recall.

25 Q What about MG, did she specifically tell you you could not

1 talk about Union activities?

2 A Not that I can recall.

3 Q And then who was the last person you mentioned?

4 A There was Jack Morton, who was a manager, and Taylor  
5 Alvarez, who was a support manager as well at these stores.

6 Q Did either one of them tell you you could not talk about  
7 Union activity?

8 A Not that I can recall.

9 Q And during the Union campaign, which you described as  
10 running from September of 2021 to the present, the  
11 communications with partners in the stores continued through --  
12 in GroupMe chats based on the store and GroupMe chats based on  
13 the Buffalo market; is that correct?

14 A I did not say that.

15 Q I'm asking you.

16 A Oh. I mean, I guess, yeah, they happened like that, and  
17 then they happened any other way people talk to each other.

18 Q So in addition to the GroupMe chats, which were set up by  
19 store, and the GroupMe chat that was set up by Buffalo market,  
20 how else were the partners communicating about Union activity  
21 during the campaign?

22 MS. CACACCIO: Objection. Form.

23 MS. POLITO: You can answer.

24 MS. CACACCIO: You can answer.

25 A Oh, okay. Any way that normal people talk to each other,



1 face-to-face, through social media, any way that normal people  
2 talk.

3 Q BY MS. POLITO: Were there regular meetings scheduled?

4 A No.

5 Q What social media platform was used to communicate  
6 regarding Union activity?

7 MR. HAYES: Objection.

8 MS. CACACCIO: Object --

9 MR. HAYES: Relevance. Beyond the scope.

10 Q BY MS. POLITO: You can answer.

11 A GroupMe, Snapchat.

12 Q Was there a Snapchat group set up for the Union activity?

13 MR. HAYES: Same objections.

14 A Yeah.

15 Q BY MS. POLITO: Do you remember the name of that?

16 MS. CACACCIO: Objection.

17 A Depew --

18 Q BY MS. POLITO: You can answer.

19 A Depew 'Bucks.

20 Q And was that just for the Depew store?

21 A Yeah.

22 Q Are you aware of a Snapchat group for the Buffalo market?

23 MR. HAYES: Same objections.

24 A No.

25 Q BY MS. POLITO: Were you involved in a -- were you

1 connected with any other social media information gathering for  
2 Union activity during the campaign?

3 MR. HAYES: Same objections, and counsel's interrogating  
4 about Section 7 activity.

5 MS. CACACCIO: I join the objection.

6 A As in, like, was I trying to search for people's social  
7 media?

8 Q BY MS. POLITO: No.

9 A I'm sorry. I didn't --

10 Q No. That's fine.

11 A -- understand the question.

12 Q You told me that there was communication regarding Union  
13 activity during the campaign, which you defined from September  
14 2021 to the present, and you talked about that that activity  
15 and conversations occurred through GroupMe chats and through  
16 Snapchat. Were there any other ways of communicating with each  
17 other?

18 MR. HAYES: Same objections.

19 A Just through, like, text messaging.

20 Q BY MS. POLITO: You -- earlier, you talked to us about  
21 listening sessions that were held by the company that you  
22 referred to as "captive audience meetings". Do you recall  
23 that?

24 A Yes.

25 Q Do you know what a captive audience meeting is?

1 A Yes.

2 Q What is it?

3 A It's when your employer has you guys come to a meeting  
4 that they have convened for you to occur where they spew their  
5 own information about themselves and their company, and what  
6 they want you to hear.

7 Q And isn't it true that at the meetings that you attended,  
8 not only does Star -- Starbucks spew what they wanted you to  
9 hear, but you had Union acti -- Union members spewing their  
10 opinion as to Union organizing at each of those meetings as  
11 well?

12 MR. HAYES: Same objections, and argumentative.

13 A I -- no. No.

14 Q So --

15 A We would not argue.

16 Q But you had a member of the Union committee at each of  
17 those meetings stating why the partners should support the  
18 Union, correct?

19 A No.

20 MR. HAYES: Same objections, and calls for speculation.

21 A No, we did not.

22 Q BY MS. POLITO: Did you have anyone at those meetings  
23 speaking on behalf of the Union --

24 MS. CACACCIO: Objection.

25 Q BY MS. POLITO: -- that you attended?

1 MR. HAYES: Same objections.

2 A No.

3 Q BY MS. POLITO: You told us earlier that some partners  
4 expressed fears after attending the meetings. Who expressed  
5 fear to you?

6 A Partners that I've mentioned, as well as Sam Larson is a  
7 big person who mentioned a lot of fears to me.

8 Q Anyone else that you haven't mentioned?

9 A Honestly, anyone in that store, pretty much.

10 Q So everyone in your -- what was your store again, Depew?

11 A Yeah.

12 Q Anyone at a Depew store to -- or --

13 MS. POLITO: Strike that.

14 Q BY MS. POLITO: Everyone in the Depew store told you that  
15 they had fears after attending those meetings?

16 A Most, if not everyone.

17 Q And what did they say their fears were?

18 A That they're going to lose their benefits because of the  
19 way that the Employer would speak about how we were going to  
20 lose our benefits or maybe keep them the same or maybe get some  
21 more benefits. They also were fearful of what a union was  
22 because of the way that they were trying to show us how a union  
23 works through only showing certain parts of the Union's  
24 constitution.

25 They were fearful of a top-down majority, even though

1     that's what we're currently in as well. They were also fearful  
2     of what retaliation could come forth because in these captive  
3     audience meetings they also let us know that they were going to  
4     start enforcing rules that they had not yet been enforcing or  
5     had not enforced during our entire employment. So there was a  
6     lot of fear that the Employer instilled on my employees.

7     Q     On your employees?

8     A     On the employees. My apologies.

9     Q     Do you know if any of those individuals are coming in to  
10    testify to the comments that you just made?

11   A     I --

12           MS. HAYES: Same objections.

13   A     -- have no idea. I'm not supposed to know that, so I  
14   don't know.

15   Q     BY MS. POLITO: You also told us earlier that Anastasia  
16   Cook was given false information. What false information was  
17   she given?

18   A     It was about how the Union is a top-down organization and  
19   how Union dues were going to be taken out of our checks and  
20   when they were going to be taken out as well as other  
21   information that I can't fully recall at this moment.

22   Q     And is it your testimony that Anastasia told you those  
23   things directly?

24   A     Yes, myself and Nicole Norton.

25   Q     And did Anastasia use the words that she was given false

1 information, or did you conclude that she was given false  
2 information?

3 A Anastasia.

4 Q Anastasia told you --

5 A Yes.

6 Q -- used those words.

7 A Yes.

8 Q And earlier, you told us there were a few folks that  
9 became non-supportive. Was there anyone in addition to the  
10 Kelsey or Sal that became non-supportive of the Union?

11 A Not that I can recall, no.

12 MS. POLITO: Nothing further, Judge.

13 MS. CACACCIO: Nothing, Judge.

14 MS. HAYES: No questions.

15 JUDGE ROSAS: Your testimony's concluded. Do not discuss  
16 your testimony with anyone until you're advised otherwise by  
17 Counsel. Have a good day.

18 THE WITNESS: Thank you, Your Honor. You as well.

19 JUDGE ROSAS: Off the record.

20 (Off the record at 1:05 p.m.)

21 JUDGE ROSAS: Next witness.

22 MS. STANLEY: The General Counsel called Kayla Disorbo.

23 JUDGE ROSAS: Raise your right hand.

24 Whereupon,

25 **KAYLA DISORBO**





1     having been duly sworn, was called as a witness herein and was  
2     examined and testified as follows:

3           JUDGE ROSAS: All right. State and spell your name.  
4     Provide us with an address.

5           THE WITNESS: Kayla Disorbo, K-A-Y-L-A -D-I-S-O-R-B-O. (b) (6), (b) (7)(C)

6     [REDACTED]

7           JUDGE ROSAS: (b) (6), (b) (7)(C)

8           THE WITNESS: (b) (6), (b) (7)(C)

9           JUDGE ROSAS: What?

10          THE WITNESS: (b) (6), (b) (7)(C)

11          JUDGE ROSAS: All right.

12                                   **DIRECT EXAMINATION**

13       Q     BY MS. STANLEY: Hi, Kayla. Kayla, what are your  
14     pronouns?

15       A     I go by she/her.

16       Q     And who's your current employer?

17       A     Starbucks.

18       Q     How long have you worked at Starbucks?

19       A     Three and a half years.

20       Q     What store do you work at?

21       A     I work at the East Robinson location.

22       Q     Have you always worked at East Robinson?

23       A     No, I worked at Sheridan-Bailey first.

24       Q     When did you go to East Robinson?

25       A     I went to East Robinson in March 2021.

- 1 Q Is that when the store opened?
- 2 A Yes.
- 3 Q What's your job position at East Robinson?
- 4 A I'm a shift supervisor.
- 5 Q And how long have you been the shift supervisor?
- 6 A Ten months now.
- 7 Q Are you familiar with the union, Workers United?
- 8 A Yes, I am.
- 9 Q And are you familiar with the Starbucks Workers United
- 10 organizing committee?
- 11 A Yes.
- 12 Q How are you familiar with the organizing committee?
- 13 A I'm friends with a few of them.
- 14 Q Are you on the committee?
- 15 A I'm not on the -- I'm not on that committee, but I'm on,
- 16 like, the bargaining committee for East Robinson.
- 17 Q When did you first learn about the Union campaign in
- 18 Buffalo?
- 19 A So I first learned about it in August 2021.
- 20 Q How did you learn about it?
- 21 A I saw the -- the flyer that they presented to Starbucks.
- 22 Q Did you ever show support for the Union while working at
- 23 East Robinson?
- 24 A Not until after my promotion.
- 25 Q When -- when did you start showing support?

- 1 A I think it was about February.
- 2 Q Of?
- 3 A Of 2022.
- 4 Q What's the current status of the Union -- Union at your
- 5 store?
- 6 A We're a certified Union store.
- 7 Q Who was the store manager at East Robinson when you got
- 8 there in March 2021?
- 9 A Kayla Moore was.
- 10 Q And did that ever change?
- 11 A Yeah. Keta Clark after her.
- 12 Q When did Keta become the store manager?
- 13 A She became manager in September 2021.
- 14 Q Is she still the store manager?
- 15 A No, she's not.
- 16 Q When did that change?
- 17 A She left in April of 2022.
- 18 Q And who was the store manager after Keta Clark left?
- 19 A Officially, it is now Joshua Bradley.
- 20 Q Was there anyone in between Keta and Joshua Bradley?
- 21 A Yeah. Josie Havens.
- 22 Q Who was Josie Havens?
- 23 A Josie Havens was a support manager from Maryland.
- 24 Q And how long did she take over as store manager?
- 25 A She took over as store manager from April to July.

1 Q When Kayla Moore was the store manager of East Robinson,  
2 how often would you see her in the store?

3 A She was in the store probably five days a week.

4 Q And at that time -- at that time, what kind of hours were  
5 you working?

6 A I was working mostly in the mornings.

7 Q How many days a week were you working?

8 A Five.

9 Q When Kayla Moore was the manager, how many managers would  
10 be in the store at a given time?

11 A Just one.

12 Q When Keta Clark became manager, how often would you see  
13 her in the store?

14 A She was in the store about five days a week.

15 Q And during her tenure as store manager, how many managers  
16 would be in the store at a given time?

17 A At least twice five days a week. Or at least two. I'm  
18 sorry.

19 Q Who were the other managers who were in the store at the  
20 same time as Keta Clark?

21 A So there's support managers, Adrien, Josie. We had the  
22 district manager pop in, the regional manager, Partner Resource  
23 manager, higher-up in corporate, Rossann Williams herself.

24 Q Who were the support managers that were at your store?

25 A Adrien and Josie.

1 Q When was Adrien at your store?

2 A Adrien was there from October to January.

3 Q And what about Josie?

4 A Josie came March to April. Or no. I'm sorry. March to  
5 July.

6 Q Was there anyone other than Adrien and Josie who was a  
7 support manager at your store?

8 A Yes. They weren't, like, set at my store, but, like, a  
9 girl named Amber was there, Louis, Scott.

10 Q When Keta Clark was the store manager, did you see anyone  
11 above the store manager level in the store?

12 A Yeah, all the time.

13 Q Who are those people?

14 A District manager, regional manager, Partner Resource  
15 manager, other people that I didn't know their positions.

16 Q How often would you see those people in the store?

17 A At least once a week.

18 Q And what -- what would those people do while they were at  
19 the store?

20 A They would kind of pick apart -- like, if I was running  
21 shifts that day, if I was the supervisor on, they would come  
22 pick apart my play, asking if I was using the tools. They  
23 would often, like, rearrange our backroom, rearrange, like,  
24 front of house, see what wasn't in standard and just correct  
25 it. And they would also come on the floor and keep talking to

1 us, try to be a part of, like, the play and everything. Yeah.

2 Q Did you ever have any conversations with those people?

3 A Occasionally, yeah.

4 Q And what would -- what would you talk about with them?

5 A So they would often ask me, like, how long I worked for  
6 Starbucks, what my position is, if I like it, if I'm happy.  
7 They would ask, like, if there's any problems in the store, and  
8 you know, that's when I would, like, bring up the issues.

9 Q What would you bring up?

10 A So we had a bee issue last year, which has returned. It's  
11 lovely. Equipment kept breaking like the nitro machine. The  
12 espresso bars keep breaking. Those sort of things.

13 Q Why did you bring those issues up to those people?

14 A I mean, they were asking us like they wanted to help --  
15 help fix them.

16 Q Were those issues ever resolved?

17 A No.

18 Q In October of 2021, did you ever attend any meetings held  
19 by Starbucks?

20 A Yeah, I went to one.

21 Q How did you learn about that October meeting?

22 A Keta Clark was the one to tell us.

23 Q What did she tell you?

24 A She said that it was mandatory and that it was just an  
25 informational meeting about, like, the whole Union campaign

- 1     that was going on, that it was mandatory.
- 2     Q     Where was that meeting held?
- 3     A     It was held at the -- the Marriott on Sheridan.
- 4     Q     What time of day was that meeting?
- 5     A     Evening.
- 6     Q     And how many partners do you think attended?
- 7     A     From my store alone? Probably, like, 40.
- 8     Q     Were you paid to attend that meeting?
- 9     A     We were, yeah.
- 10    Q     Was your store open or closed that day?
- 11    A     So we closed early around 2 p.m.
- 12    Q     How do you know the store closed at 2 p.m. that day?
- 13    A     I was a pre-closer.
- 14    Q     Did the store reopen after the meeting?
- 15    A     No.
- 16    Q     At that time in October, what was the normal closing time
- 17    of your store?
- 18    A     The normal closing time was 10 p.m.
- 19    Q     Did you ever train any employees at East Robinson?
- 20    A     I have, yeah.
- 21    Q     When did you start doing that?
- 22    A     I started training in December.
- 23    Q     Of what year?
- 24    A     2021.
- 25    Q     About how many people did you train?

1 A Eight or so.

2 Q And how did the training work?

3 A So they would have, like, online modules, and it followed  
4 this little packet that they gave me. And then I would take  
5 them on the floor, do a hands-on. We'd practice and practice,  
6 that sort of thing.

7 Q How much time did you spend training those people?

8 A I didn't get much time with them, probably, like, 16 hours  
9 total per group.

10 Q And did those people that you trained stay at East  
11 Robinson?

12 A No, none of them did.

13 Q When did you train your first group?

14 A My first group was the week before Christmas 2021.

15 Q And what -- what group came next?

16 A My gosh. I'm trying to think. I think that might have  
17 been the group with Kat in, like, early January.

18 Q Were you given a bonus for those training?

19 A We were, yeah.

20 Q After that second group you mentioned, did you complete  
21 training for any other groups of people?

22 A I had another group, but I wasn't able to complete  
23 training, so I never, like, got the bonus or anything.

24 Q After that, were you ever assigned to train employees  
25 again?



1 A No.

2 Q You mentioned a person named Kat. Who is that?

3 A Kat, I cannot remember her last name, but she was, like,  
4 very openly pro-Union and she works at Sheridan-Bailey.

5 Q How do you know she was openly pro-Union?

6 A She talked to me about it. She's the one that gave me the  
7 pins and gave me the cards.

8 Q When did she do that?

9 A It was right after her training, so January.

10 Q After you trained Kat's group, do you know whether new  
11 employees were still being trained at East Robinson?

12 A They were, yes.

13 Q How do you know that?

14 A I witnessed it.

15 Q Who trained them?

16 A Danesia Stewart (phonetic throughout).

17 Q And who is she?

18 A She's another shift supervisor at East Robinson.

19 Q In 2021, what were the operational hours of your store?

20 A So we would go in at 4:30 in the morning, open the store  
21 at 5, and then we would close the store at 10 and stay until  
22 10:30.

23 Q Did those hours ever change?

24 A Yeah. They changed in I want to say November or December  
25 2021.

1 Q And how did they change?

2 A So we started closing an hour earlier.

3 Q How did you learn about that change to the hours?

4 A My support manager, Adrien, told me about it.

5 Q In 2021, about how many hours did you usually work per  
6 week?

7 A I was right around, like, 33.

8 Q And how were you scheduled in terms of what position you  
9 would be filling?

10 A So before I got promoted, obviously I was only scheduled  
11 as coverage shifts. And then after that I promoted, I was  
12 probably only running shifts, like, two days a week and then,  
13 like, coverage the rest of the shifts.

14 Q What does it mean to be scheduled as coverage versus  
15 running a shift?

16 A So coverage, I'm basically just, like, a barista on the  
17 floor, whereas when I'm scheduled to run the shift, I'm, like,  
18 doing cash management, doing the food poll, running the floor,  
19 or running breaks.

20 Q So when you're scheduled as coverage, is there another  
21 person scheduled as shift supervisor?

22 A Yeah.

23 Q And what was your availability at the time?

24 A I know I was available Monday, Tuesday, Wednesday any  
25 time. Then I think Thursday and Friday, I was only available

1     until 5. Unavailable Saturdays; and Sundays, I was available  
2     until, like, 4 p.m.

3     Q     Did there come a time when, as a shift supervisor, the  
4     position you were scheduled to cover would change?

5     A     Yes. They changed it to we would only run shifts any day  
6     that we were scheduled.

7     Q     When did that happen? .

8     A     February or March 2022.

9     Q     And did that have an impact on you?

10    A     Yeah. I actually lost hours for, like, three weeks.

11    Q     And did that -- did that change ever kind of go -- go  
12    back?

13    A     It did go back for me, yeah.

14    Q     What about for other shift supervisors? Do you know?

15    A     I know at least two supervisors whose hours did not bounce  
16    back from that.

17    Q     How do you know that other shift supervisors' hours didn't  
18    bounce back?

19    A     So we have our schedules printed and posted, so I could,  
20    like, physically see it. On our DCRs, it shows how many hours.  
21    And they also, like, told me and, like, complained to me about  
22    it.

23    Q     What's DCR?

24    A     Daily coverage report.

25    Q     And who are the shift supervisors whose hours you observed

1     that didn't go back?

2     A     Beth Royer (phonetic throughout) and Victoria Conklin.

3     Q     During the time that Keta Clark was the store manager at  
4     East Robinson, what was the protocol for switching your shifts?

5     A     She wanted it to go through her. She wanted to be the one  
6     to approve or deny it.

7     Q     Did you ever request from her that you could switch  
8     shifts?

9     A     Yeah. Twice.

10    Q     And when was the first time?

11    A     I think that was in March.

12    Q     Of what year?

13    A     2022.

14    Q     And what happened on that occasion?

15    A     So it was a borrowed partner, which means that they are  
16    from another store, and she basically asked me what store they  
17    were from because she didn't want, like, a pro-Union store or,  
18    like, an already unionized store partner working at East  
19    Robinson because we didn't want to mix, basically, is what she  
20    told me.

21    Q     Who are you talking about right now?

22    A     Who? Oh, I'm sorry. I'm talking about Keta. I had a  
23    conversation with Keta.

24    Q     And -- and is that what she said in the conversation?

25    A     Yeah.

1 Q Did you have any second instance where you talked to her  
2 about switching shifts?

3 A Yeah. So a few weeks later, same exact thing, same  
4 conversation, and I basically just told her, well, I can't work  
5 this shift, so I need it covered.

6 Q What did she say in that second conversation?

7 A Reiterated what she told me before. And then I just  
8 doubled down, and she backed down and was like, oh, okay,  
9 it's -- yeah, we'll figure it out.

10 Q Did you talk to anyone about what Keta said in those two  
11 conversations?

12 A Yeah. I told Victoria Conklin about it.

13 Q Kayla, does Starbucks have a dress code, to your  
14 knowledge?

15 A Yes, they do.

16 Q When Kayla Moore was the -- the store manager at East  
17 Robinson, how did she enforce the dress code?

18 A It was not --

19 MS. POLITO: Objection except as to her personal  
20 knowledge, of course.

21 MS. STANLEY: Right.

22 Q BY MS. STANLEY: Have you --

23 JUDGE ROSAS: I'm sorry?

24 MS. STANLEY: I'll rephrase.

25 Q BY MS. STANLEY: How -- and when -- when Kayla Moore

1 was -- was the store manager, how did you observe the dress  
2 code being enforced at your store?

3 A She doesn't really strictly enforce it. As long as we  
4 weren't wearing, like, crazy, bright colors or anything like  
5 that, she didn't really care. Like the length of our shorts,  
6 if we had holes in our jeans, white shoes, not white shoes,  
7 that sort of thing.

8 Q And when Keta Clark was store manager, how did you observe  
9 her enforcing the dress code?

10 A She was very, very strict about it. Partners had to order  
11 clothes, order shoes, buy shoes even if, like, they didn't have  
12 the funds for it because we weren't given any sort of stipend  
13 or anything like that.

14 Q Were you ever spoken to about the dress code when Keta  
15 Clark was the store manager?

16 A Yeah. So I was spoken to about it as leadership  
17 supervisor saying that I had to enforce it, but also my shoes  
18 were out of dress code.

19 Q Who told you your shoes were out of dress code?

20 A Keta did.

21 Q Did anyone else?

22 A Adrien, yeah.

23 Q When did Adrien tell you that your shoes were out of dress  
24 code?

25 A November of 2021.

1 Q And what did you do when -- when he told you that?

2 A I mean, I knew that the changes were coming. So I  
3 followed because I was, you know, a brand-new supervisor, and I  
4 went out and got new shoes, texted him a photo of it, and he --  
5 he approved it.

6 Q And did you wear those shoes to work?

7 A I did, yes.

8 Q And did anyone tell you -- talk to you about them?

9 A Yeah. Keta said that the white sole on the shoes were out  
10 of dress code.

11 Q And what did you say to her?

12 A I told her -- I said, Adrien approved them.

13 Q And -- and what did she say?

14 A She backed down again.

15 Q So my -- my next two or three questions -- the rest of my  
16 questions are -- are just and proper questions. There's not  
17 very many.

18 MS. POLITO: Note our objection to this line of  
19 questioning.

20 Q BY MS. STANLEY: Kayla, why didn't you openly support the  
21 Union at first?

22 A At first, I was terrified of not getting promoted.

23 Q And after you got promoted, did you begin to support the  
24 Union openly?

25 A Not until February.

1 Q Why not?

2 A Starbucks pays for my scholarship to Arizona State, and I  
3 was very scared about losing my job over it.

4 Q What made you afraid of supporting the Union openly?

5 A I mean, I witnessed people getting in trouble, getting  
6 write-ups. I've never been written up before. I've never been  
7 in trouble. I've seen people get fired before over, you know,  
8 seeming like they support the Union. Just the constant  
9 presence of these support managers and higher-ups was really  
10 intimidating as well.

11 Q Did you make efforts to unionize your own store?

12 A Yeah. I was kind of, like, second-in-charge of that, I  
13 would say.

14 Q What did you do in those efforts?

15 A So I passed out Union cards. If people had any questions,  
16 I would kind of direct them to, like, organizing committee. I  
17 had, like, the little Union pins, all of that.

18 Q What was the response from your coworkers?

19 A They were starting to see and understand why we were  
20 unionizing. They started getting sick of the constantly broken  
21 equipment, all of the, you know, managers and harassing us.  
22 They started supporting it.

23 Q Did anyone talk to you about any concerns about supporting  
24 the Union?

25 A Yeah.





1 Q What did -- what did --

2 A People --

3 Q -- what did people say?

4 A Just that, the same thing. They were really scared about,  
5 like, openly talking about it, openly supporting it, that they,  
6 you know, wanted to go for it, but they just weren't sure about  
7 anything.

8 Q Who specifically talked to you about their fears?

9 A So I know Beth Royer did. This one girl, Emily Falong  
10 (phonetic throughout). Couple other people just -- yeah.

11 Q Do you know Nathan Tarnowski?

12 A I do, yes.

13 Q How do you know him?

14 A I worked with him at East Robinson.

15 Q And does he still work there?

16 A No. He was fired in March.

17 Q How do you know he was fired?

18 A I -- I was leaving, and I, like, saw him go in the back to  
19 have a one-on-one with Keta. And he texted me, like, an -- an  
20 hour later that he got fired.

21 Q Did you ever talk to any of your coworkers about Nathan  
22 being fired?

23 A Vic and I used to talk about it.

24 Q Did you ever talk to anyone outside of your store about  
25 that?

1 A Yeah.

2 Q Who did you talk to?

3 A Oh gosh. I believe I talked to Jaz about it. Yeah.

4 Q And what did you tell Jaz?

5 A I just explained that I didn't really agree with, like,  
6 the reason why he got fired, that it was kind of a cheap shot,  
7 and yeah, that I just didn't think it was right.

8 Q Did you express any concerns to Jaz?

9 A Definitely. I definitely expressed concern over, like, my  
10 safety, Vic's safety. Yeah.

11 Q And what -- why did you express those concerns to her?  
12 What made you think that?

13 A So she is kind of, like, the head of, like, the organizing  
14 committee, and I knew that she could be, like, very, very  
15 helpful and a good resource to have.

16 Q What made you feel you needed to bring those concerns up?

17 A We were talking about it. When were we together? I think  
18 it was when the teachers union came to East Robinson, and her,  
19 Vic, and I, like, had dinner together and everything. We were  
20 talking.

21 MS. STANLEY: I have nothing further.

22 MS. HAYES: No questions.

23 JUDGE ROSAS: Off the record.

24 (Off the record at 2:19 p.m.)

25 JUDGE ROSAS: Respondent?

1 CROSS-EXAMINATION

2 Q BY MS. POLITO: Good afternoon, Ms. Disorbo.

3 A Good afternoon.

4 Q When you were hired at Starbucks, do you remember  
5 receiving a Partner Guide?

6 A Yes, I do.

7 Q Did you acknowledge receipt of the Partner Guide?

8 A Yes.

9 Q Going to the fall of 2021 when the support store managers  
10 were in the store, you testified that you knew changes were  
11 coming to the dress code.

12 A Um-hum.

13 Q How did you know that was coming?

14 A It was being heavily enforced and talked about very often  
15 with the support managers.

16 Q In your store or throughout the market?

17 A All throughout the market at the time, I guess.

18 Q And did the support store managers provide the partners at  
19 the East Robinson store and your --

20 MS. POLITO: Strike that.

21 Q BY MS. POLITO: Were you provided with a copy of the dress  
22 code policy and the time and attendance policy sometime in the  
23 fall of 2021?

24 A Adrien did present some policies to me, and I do believe  
25 those were it.

- 1 Q And did you have to sign for those?
- 2 A We did, yeah.
- 3 Q And did he remind you as to what the policies were?
- 4 A Yes, briefly.
- 5 Q And they told you that your shoes weren't in compliance
- 6 with policy; is that right?
- 7 A Correct, yes.
- 8 Q But you weren't disciplined for that, correct?
- 9 A I was not.
- 10 Q You also testified that the support store managers were
- 11 fixing was -- which was -- were fixing was not to standard. Do
- 12 you remember that testimony?
- 13 A Yes.
- 14 Q So prior to their arrival to the market, there were items
- 15 in the East Robinson store that were running not to standard,
- 16 correct?
- 17 A Correct, yeah.
- 18 Q And then you told us, in February --
- 19 MS. POLITO: Strike that.
- 20 Q BY MS. POLITO: You became a shift supervisor sometime in
- 21 the fall of 2021?
- 22 A October, yes.
- 23 Q And that was six months after your employment?
- 24 A So I've been employed by Starbucks for three and a half
- 25 years, but I transferred to East Robinson in March of 2021. So

1 six months after I transferred, I got promoted.

2 Q And then in February of 2022, you started to show your  
3 public support for the Union?

4 A Yes.

5 Q And you haven't received any discipline since February  
6 2022, correct?

7 A Not up until this point.

8 Q So no discipline.

9 A No.

10 Q When you said up until this point, there's nothing pending  
11 as of --

12 A No.

13 Q -- today, is there?

14 A No.

15 MS. POLITO: Turning to the just and proper questions that  
16 were asked, Judge.

17 Q BY MS. POLITO: You -- you were aware that the company had  
18 a policy with respect to COVID Coach, correct?

19 A Yes.

20 Q And in January through March 2022, it was a requirement  
21 that every employee fill out the COVID coach questionnaire,  
22 correct?

23 A Yes.

24 Q And as a shift supervisor, if you were aware that a  
25 partner had lied on the COVID Coach, what would you have done?

1 A I would --

2 MS. STANLEY: Objection. Calls for speculation. Go ahead  
3 and answer.

4 THE WITNESS: I would have asked him about it and said,  
5 you know, are you actually sick, what's up, like, what's  
6 actually going on?

7 Q BY MS. POLITO: And what --

8 A That's how I would have responded.

9 Q What -- what safety concerns did you have in March of  
10 2022? You testified earlier that you had some safety concerns.

11 A Safety concerns to, like, Nathan, like, COVID, or, like,  
12 within the store? I'm sorry.

13 Q You -- you testified earlier that you had concerns over  
14 safety. What concerns did you have over safety? Were they  
15 COVID concerns?

16 A I mean, I've always had COVID concerns, yes. Yeah. COVID  
17 concerns, there being hazards in the store as well, equipment  
18 constantly breaking, that sort of thing.

19 Q And so if one of your partners lied on their COVID Coach,  
20 that person you would expect to be disciplined, correct?

21 A Disciplined, yeah.

22 Q Were you aware that Mr. Tarnowski lied on his COVID Coach?

23 MS. STANLEY: Objection.

24 MS. POLITO: You can answer.

25 MS. STANLEY: You can answer it.

1 THE WITNESS: He didn't -- he didn't lie on his COVID  
2 Coach, no. He lied to the managers.

3 Q BY MS. POLITO: He admitted earlier today that he, in  
4 fact, lied on his COVID Coach.

5 MS. STANLEY: Objection.

6 MS. POLITO: Would that --

7 MS. STANLEY: That mischaracterizes --

8 MS. POLITO: -- surprise you?

9 MS. STANLEY: -- his -- his testimony.

10 THE WITNESS: How -- I mean, how I remember that day  
11 going?

12 Q BY MS. POLITO: I'm not asking how you remember --

13 A Um-hum.

14 Q -- how the day was going. Did you ever -- let -- let's --  
15 let me ask a different way --

16 A Um-hum.

17 Q -- since you brought Mr. Tarnowski in your testimony. Did  
18 he ever tell you that he lied on the COVID Coach?

19 A He never told me that.

20 Q Did you ever ask him if he lied on the COVID Coach?

21 A No.

22 MS. POLITO: That's all I have, Judge.

23 JUDGE ROSAS: Anything else?

24 **REDIRECT EXAMINATION**

25 Q BY MS. STANLEY: When you talked to Jaz about safety --



1 A Um-hum.

2 Q -- those times, what concerns were you talking about?

3 A So like, cleaning equipment constantly breaking. Our  
4 nitro machine would leak, make the floor all wet. We didn't  
5 have proper cleaning equipment for our floors and the water  
6 just sits on our floor so we, like, slide around all the time.  
7 The bees, getting stung. I -- several partners have gotten  
8 stung. What else?

9 Q Have you ever gotten stung?

10 A Yes.

11 Q Are you allergic to bees?

12 A Yes.

13 Q Have you ever -- did you ever talk to Jaz about concerns  
14 over your safety as an employee?

15 A Yes.

16 MS. POLITO: This is still just and proper --

17 MS. STANLEY: Yeah.

18 MS. POLITO: -- right?

19 MS. STANLEY: Yeah.

20 MS. POLITO: Okay.

21 MS. STANLEY: Yeah.

22 Q BY MS. STANLEY: What -- what concerns did you express to  
23 her and why about your safety as an employee?

24 A About my safety? I'm trying to remember. Probably just,  
25 like, my job security. Yeah. And just constantly being



1 worried about, like, hurting myself at work.

2 Q Why were you worried about your job security?

3 A I've seen, like, several people get let go for supporting  
4 the same thing that I do.

5 A Which is what?

6 Q The Union.

7 MS. STANLEY: Nothing further.

8 MS. HAYES: No questions.

9 JUDGE ROSAS: Follow-up?

10 **RECROSS-EXAMINATION**

11 Q BY MS. POLITO: Do you know that Mr. Tarnowski was fired  
12 for lying on his COVID Coach and not for supporting the Union?

13 A I did know that, yes.

14 MS. POLITO: Okay. That's all I have, Judge.

15 MS. STANLEY: Nothing further. Thank you.

16 JUDGE ROSAS: Your testimony's concluded. Do not discuss  
17 your testimony to anyone until you were advised by Counsel that  
18 the record in the case is closed, all right?

19 THE WITNESS: Um-hum.

20 JUDGE ROSAS: And have a good day.

21 THE WITNESS: Thank you.

22 JUDGE ROSAS: There's nothing else for today?

23 MS. STANLEY: Not for today, Judge.

24 JUDGE ROSAS: Okay. So we're adjourned at this point to  
25 tomorrow for -- we have testimony via Zoom technology. Every

1 everyone has the link, the information on how to connect. If  
2 there's any questions, let me know. Off the record.

3 **(Whereupon, the hearing in the above-entitled matter was**  
4 **recessed at 2:41 p.m. until Thursday, August 25, 2022 at 9:00**  
5 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 3, Case Numbers 03-CA-285671, et. al., Starbucks Corporation and Workers United, held at the National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse US District Court for the Western District of New York, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on August 24, 2022, at 9:01 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.

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ELAINE LAROSEE

Official Reporter

